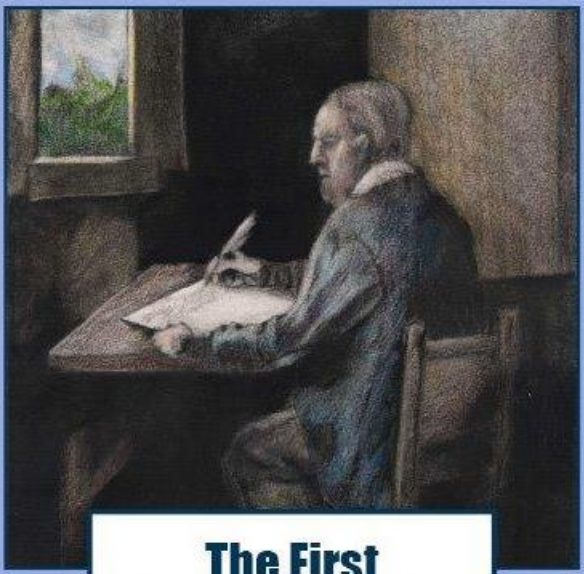

The First American Founder

Roger Williams and Freedom of Conscience

Alan E. Johnson

THE FIRST AMERICAN FOUNDER

ROGER WILLIAMS AND FREEDOM OF CONSCIENCE

Alan E. Johnson

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Cover image of Roger Williams by Joann Harrah

For permissions or other information, contact:

Alan E. Johnson, President
Philosophia Publications
2400 Oxford Dr., PMB 112
Pittsburgh, PA 15102
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alanjohnson@ncis.org

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To Mimi

Worthy friends, that ourselves & all Men are apt & prone to differ it is no New Thing, in all former Ages, in all parts of this World, in these parts, and in our deare native Countrey & mournfull state of England.

That either part or partie is most right in his owne eyes, his Cause Right, his Cariage Right, his Arguments Right, his Answeres Right is as wofully & constantly true as the former. And experience tells us that when the God of peace hath taken peace from the Earth, one sparke of Action, Word, or Cariage is too too powrefull to kindle such a fire as burnes up Families, Townes, Cities, Armies, Navies, Nations, & Kingdomes.

Roger Williams, "An humble Motion to the Towne of Providence," August 31, 1648

Dogma, brought into hourly relation with life, led men beyond dogma. Especially is this true of the group who separated most sharply the two orders of nature and grace.

A. S. P. Woodhouse, *Puritanism and Liberty*

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Maps

THE FOLLOWING MAPS, RELEVANT TO various discussions throughout this book, are located immediately after this page for convenient reference.

MAP 1: New England 1630-1680. Courtesy the Rhode Island Historical Society. Sandy Strand. 1988. Ink on paper. RHi X17 1870.

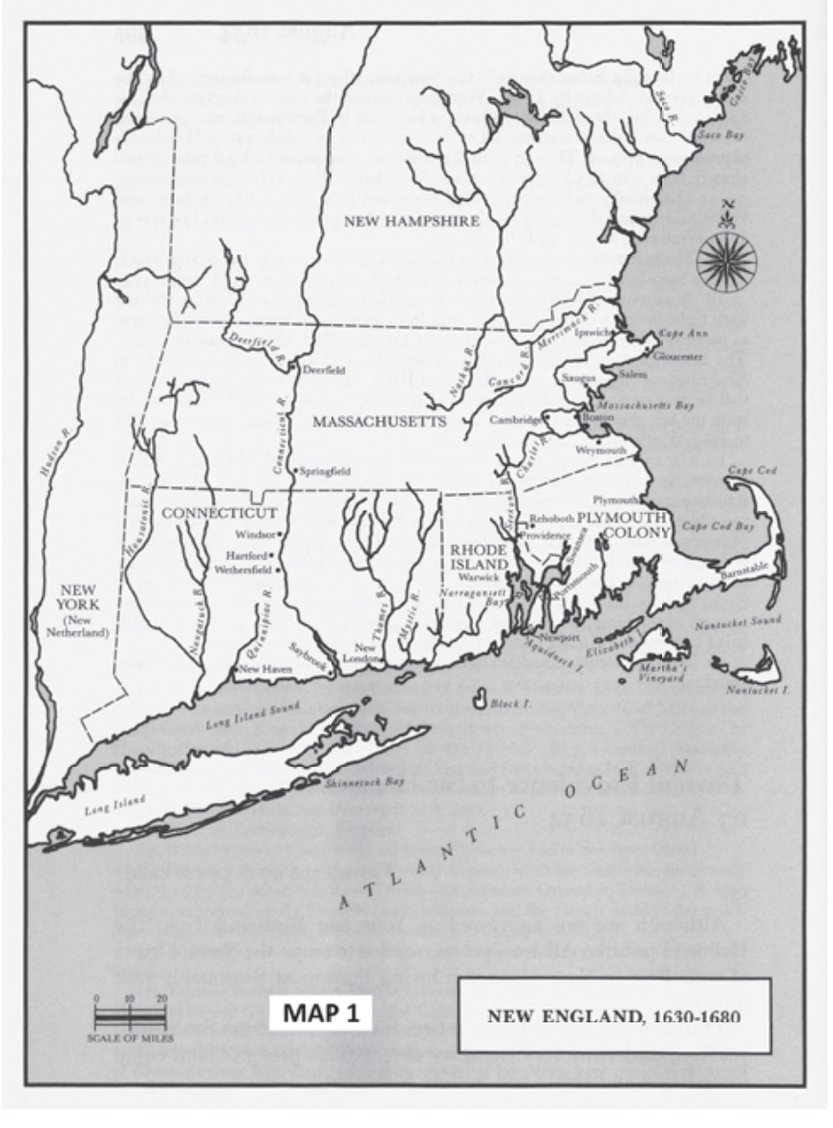
MAP 2: Southern New England Indian Bands. Courtesy the Rhode Island Historical Society. Sandy Strand. 1988. Ink on paper. RHi X17 1868.

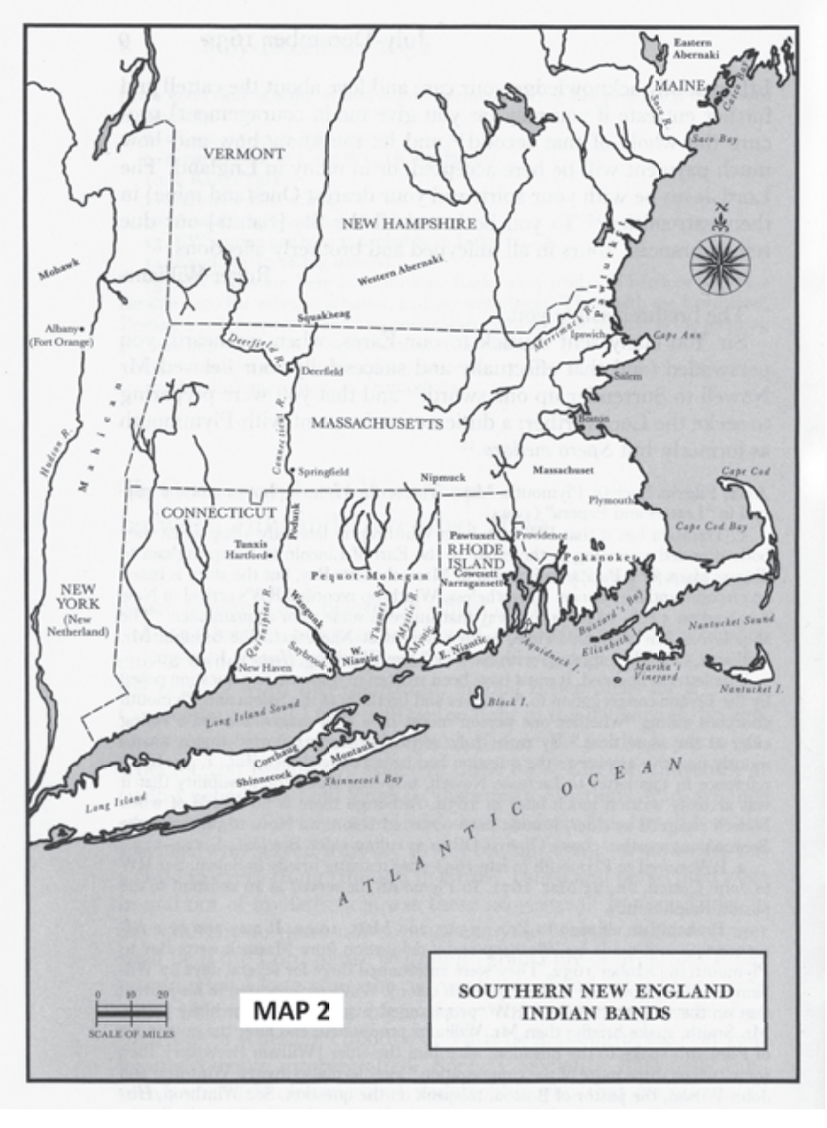
MAP 3: Rhode Island Settlements 1636-1680. Courtesy the Rhode Island Historical Society. Sandy Strand. 1988. Ink on paper. RHi X17 1869.

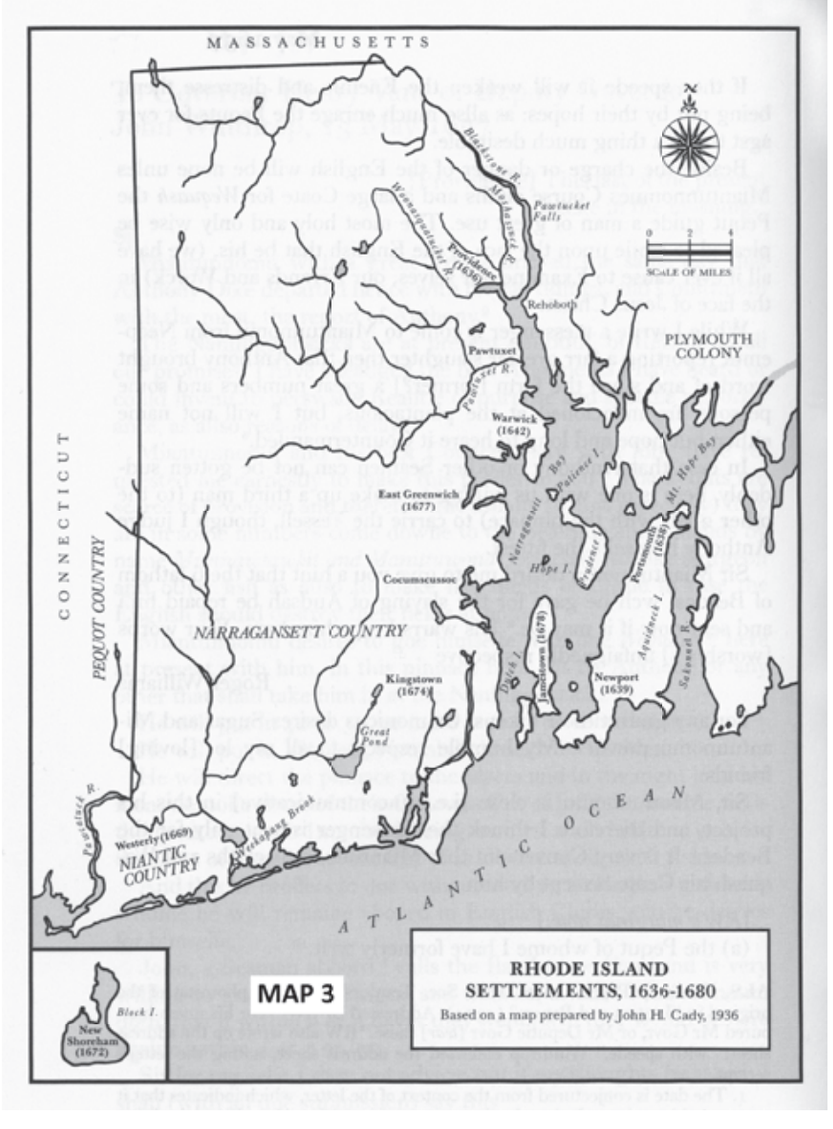
MAP 4: A Map of the State of Rhode Island showing Territorial Bounds for the Years 1636-1659. Courtesy the Rhode Island Historical Society. John Hutchins Cady. 1936. Hand colored lithograph. RHi X3 5285.

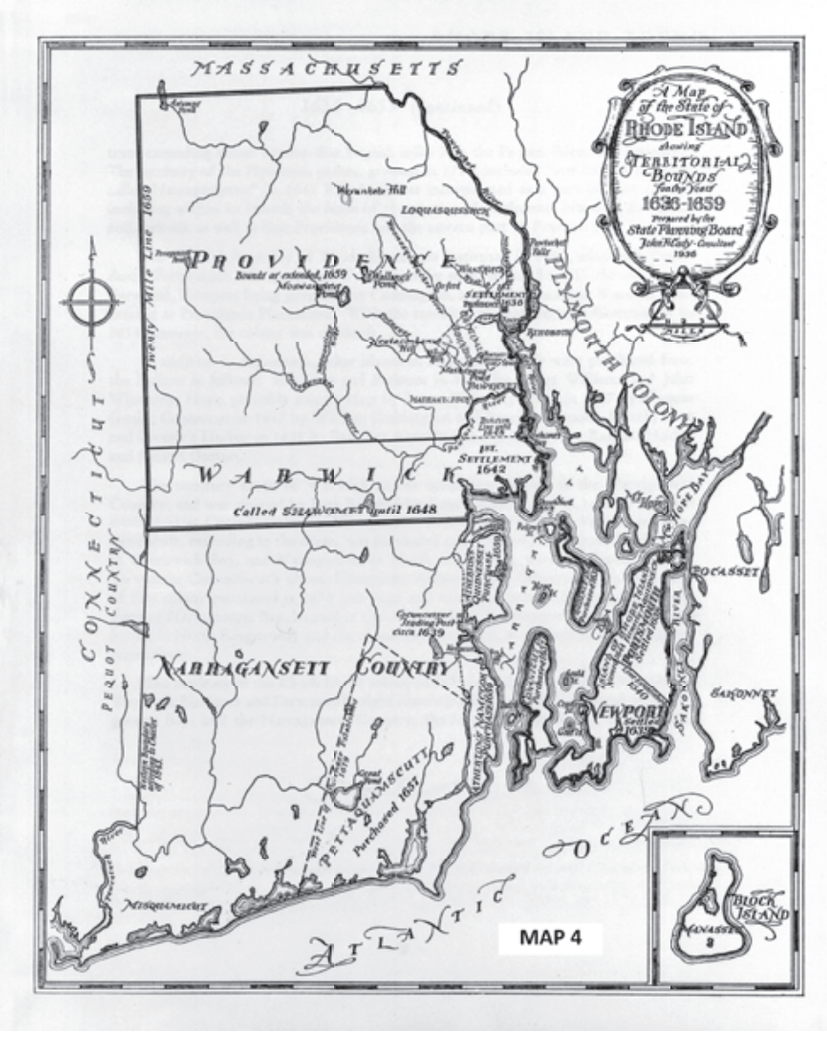
MAP 5: A Map of the State of Rhode Island showing Territorial Bounds for the Years 1659-1703. Courtesy the Rhode Island Historical Society. John Hutchins Cady. 1936. Hand colored lithograph. RHi X3 9136.

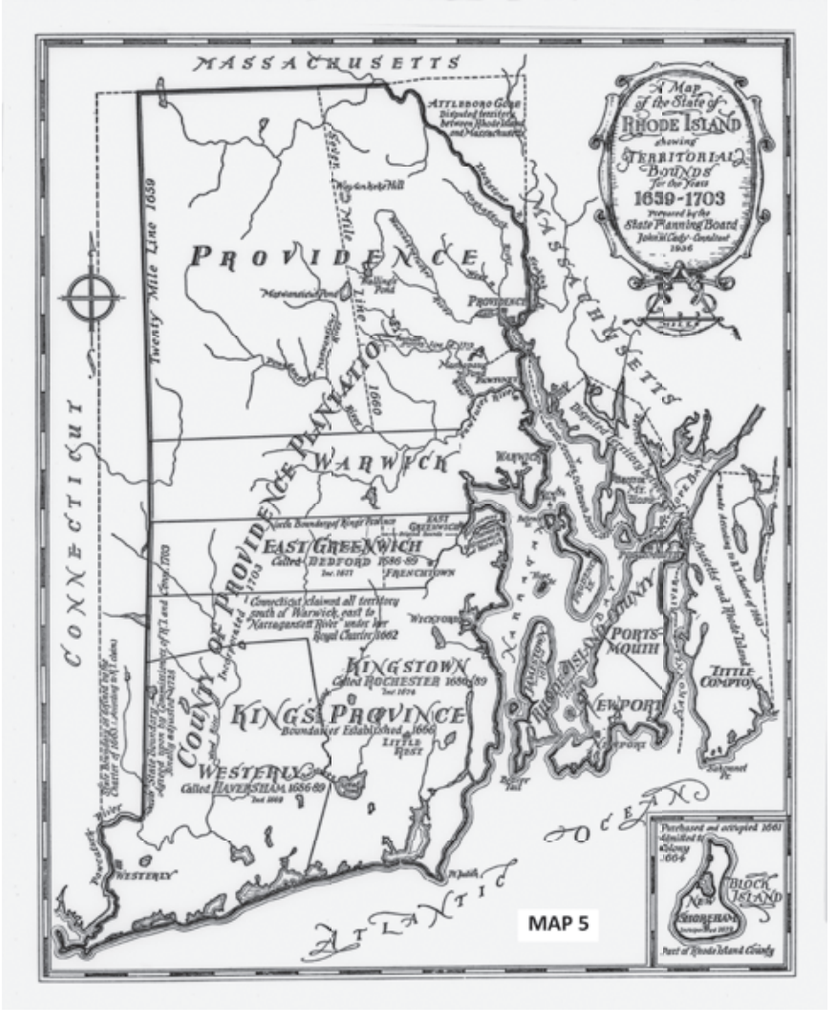
MAP 6: Jurisdictional Claims in Rhode Island 1636-1680. Courtesy the Rhode Island Historical Society. Sandy Strand. 1988. Ink on paper. RHi X17 1871.

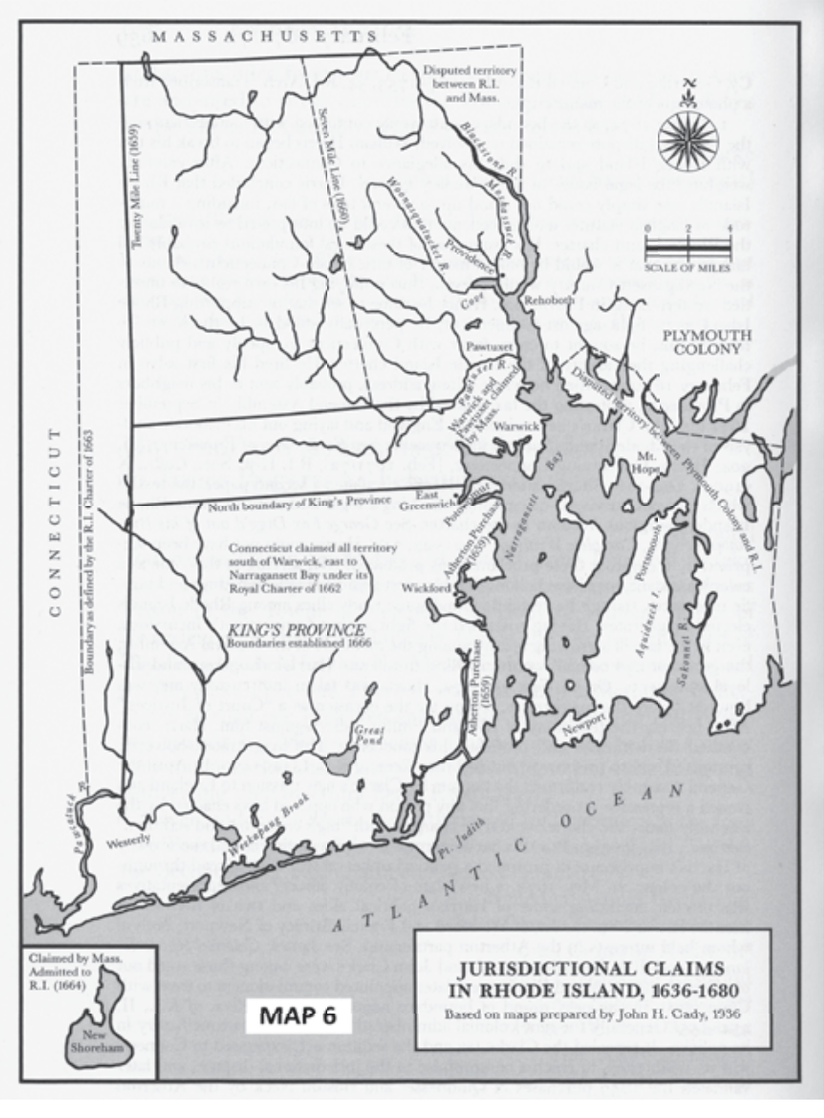

NEW HAMPSHIRE
MASSACHUSETTS
CONNECTICUT
RHODE ISLAND
PLYMOUTH COLONY
NEW YORK (New Netherland)
Saco Bay
Deerfield
Springfield
Cape Ann
Gloucester
Salem
Cambridge
Boston
Massachusetts Bay
Weymouth
Plymouth
Cape Cod
Cape Cod Bay
Rehoboth
Providence
Warwick
Windsor
Hartford
Wethersfield
New Haven
New London
Saybrook
Newport
Aquidneck I.
Narragansett Bay
Elizabeth Is.
Martha's Vineyard
Nantucket I.
Nantucket Sound
Barnstable
Block I.
Long Island Sound
Long Island
Shinnecock Bay
ATLANTIC OCEAN
Hudson R.
Housatonic R.
Connecticut R.
Thames R.
Merrimack R.
Charles R.
Taunton R.
Quinnipiac R.
Saugatuck R.
Mystic R.
SCALE OF MILES
0 10 20
MAP 1
NEW ENGLAND, 1630-1680


VERMONT
NEW HAMPSHIRE
MAINE
MASSACHUSETTS
CONNECTICUT
RHODE ISLAND
NEW YORK (New Netherland)
Eastern Abernaki
Western Abernaki
Mohawk
Mahican
Pequot-Mohegan
Albany (Fort Orange)
Squakheag
Deerfield
Springfield
Nipmuck
Massachuset
Cape Ann
Salem
Boston
Plymouth
Cape Cod
Cape Cod Bay
Tunxis Hartford
Podunk
Pawtuxet
Providence
Cowesett
Narragansett
Pokanoket
W. Niantic
E. Niantic
New Haven
Saybrook
Wangunk
Aquidneck I.
Buzzard's Bay
Martha's Vineyard
Nantucket I.
Nantucket Sound
Block I.
Long Island Sound
Long Island
Corchaug
Montauk
Shinnecock
Shinnecock Bay
ATLANTIC OCEAN
Hudson R.
Connecticut R.
Thames R.
Merrimack R.
Quinnipiac R.
Saugatuck R.
Mystic R.
SCALE OF MILES
0 10 20
MAP 2
SOUTHERN NEW ENGLAND INDIAN BANDS


MASSACHUSETTS
CONNECTICUT
PEQUOT COUNTRY
NARRAGANSETT COUNTRY
NIANTIC COUNTRY
PLYMOUTH COLONY
ATLANTIC OCEAN
Blackstone R.
Mashapaug R.
Pawtucket Falls
Woonasquatucket R.
Providence (1636)
Rehoboth
Pawtuxet
Pawtuxet R.
Warwick (1642)
East Greenwich (1677)
Patience I.
Hope I.
Prudence I.
Narragansett Bay
Mt. Hope Bay
Portsmouth (1638)
Aquidneck I.
Saconnet R.
Cocumscussoc
Dyer I.
Jamestown (1678)
Newport (1639)
Kingstown (1674)
Great Pond
Pawcatuck R.
Westerly (1669)
Wuchaug Brook
Block I.
New Shoreham (1672)
SCALE OF MILES
MAP 3
RHODE ISLAND
SETTLEMENTS, 1636-1680
Based on a map prepared by John H. Cady, 1936


MASSACHUSETTS
A Map of the State of RHODE ISLAND showing TERRITORIAL BOUNDS for the year 1636-1659
prepared by the State Planning Board
John H. Cady - Consultant
1936
PROVIDENCE
Bounds as extended, 1659
Twenty Mile Line 1659
WARWICK
1st. Settlement 1642
Called Settlement until 1648
PLYMOUTH COLONY
CONNECTICUT
PEQUOT COUNTRY
NARRAGANSETT COUNTRY
Misquamicut
Pettaquamscutt Purchased 1657
NEWPORT
TIVERTON
LITTLE COMPTON
BARRINGTON
BRISTOL
WARREN
ATLANTIC OCEAN
BLOCK ISLAND
MAP 4


MASSACHUSETTS
A Map of the State of RHODE ISLAND showing TERRITORIAL BOUNDS for the years 1639-1703
Prepared by the State Planning Board
John H. Cady - Cartographer
1936
ATTLEBORO GORE
Disputed territory between Rhode Island and Massachusetts
Twenty Mile Line 1659
PROVIDENCE PLANTATIONS
PROVIDENCE
WARWICK
EAST GREENWICH
Called BEDFORD 1686-89
FRENCHTOWN
Connecticut claimed all territory south of Warwick, east to Narragansett River under her Royal Charter 1662
KINGSTOWN
Called ROCHESTER 1686-89
KING'S PROVINCE
Boundaries Established 1666
WESTERLY
Called HAVERSHAM 1686-89
PORTSMOUTH
NEWPORT
TIVERTON
LITTLE COMPTON
CONNECTICUT
ATLANTIC OCEAN
Purchased and occupied 1661
Admitted to Colony 1664
BLOCK ISLAND
NEW SHOREHAM
Town of Rhode Island County
MAP 5


MASSACHUSETTS
Disputed territory between R.I. and Mass.
Twenty Mile Line (1659)
Seven Mile Line (1860)
Blackstone R.
Wannamoisett R.
Providence R.
SCALE OF MILES
Rehoboth
PLYMOUTH COLONY
Pawtucket
Warwick
Mt. Hope
Bay
East Greenwich
North boundary of King's Province
Connecticut claimed all territory south of Warwick, east to Narragansett Bay under its Royal Charter of 1662
Wickford
KING'S PROVINCE
Boundaries established 1666
Great Pond
Newport
Pt. Judith
Westerly
Pawcatuck R.
Weekapaug Brook
Aquidneck I.
Sakonnet R.
CONNECTICUT
Boundary as defined by the R.I. Charter of 1663
ATLANTIC OCEAN
Claimed by Mass. Admitted to R.I. (1664)
New Shoreham
MAP 6
JURISDICTIONAL CLAIMS IN RHODE ISLAND, 1636-1680
Based on maps prepared by John H. Cady, 1936

Abbreviations

The following abbreviations are used in the notes to this book; some of them are also used in the text.

Publications

1647 Code of Laws

Colony of Providence Plantations. *The Proceedings of the First General Assembly of "The Incorporation of Providence Plantations," and the Code of Laws Adopted by That Assembly in 1647.* Edited by William R. Staples. Providence, RI, 1847.

The Adams-Jefferson Letters

John Adams, Abigail Adams, and Thomas Jefferson. *The Adams-Jefferson Letters: The Complete Correspondence between Thomas Jefferson and Abigail and John Adams.* Edited by Lester J. Cappon. Chapel Hill: University of North Carolina Press, 1959.

Bloody Tenent Yet More Bloody

See *BTYMB.*

Bloudy Tenent

See *BT.*

Bloudy Tenent Washed

John Cotton, *The Bloudy Tenent, Washed, And made white in the bloud of the Lambe* . . . . London, 1647. Facsimile reprint by Kessinger Legacy Reprints, 2010.

BSB ed.
: Baptist Standard Bearer edition/pagination of John Clarke, *Ill Newes from New-England: A Narrative of New Englands Persecution* . . . (London, 1652; repr., Paris, AR: Baptist Standard Bearer, n.d.).

BT
: [Roger Williams]. *The Bloudy Tenent, of Persecution, for cause of Conscience, discussed, in a Conference betweene Truth and Peace*. . . . London, 1644.

BTW
: John Cotton, *The Bloudy Tenent, Washed, And made white in the bloud of the Lambe* . . . . London, 1647. Facsimile reprint by Kessinger Legacy Reprints, 2010.

BTYMB
: Roger Williams. *The Bloody Tenent Yet More Bloody: By Mr Cottons endevour to wash it white in the Blood of the Lambe* . . . . London, 1652.

Christenings make not Christians
: Roger Williams. *Christenings make not Christians, or A Briefe Discourse concerning that name Heathen, commonly given to the Indians. As also concerning that great point of their Conversion.* London, 1645 [1646, Gregorian calendar].

Coke Selected Writings
: Edward Coke. *The Selected Writings and Speeches of Sir Edward Coke.* Edited by Steve Sheppard. 3 vols. Indianapolis: Liberty Fund, 2003.

Cotton Letter
: John Cotton, *A Letter of Mr. John Cottons Teacher of the Church in Boston, in New-England, to Mr. Williams a Preacher there* . . . . London, 1643.

CRW
: Roger Williams. *The Correspondence of Roger Williams.* Edited by Glenn W. LaFantasie. 2 vols. Hanover, NH: University Press of New England / Brown University Press, 1988.

CWRW
: Roger Williams. *The Complete Writings of Roger Williams.* Edited by Reuben Aldridge Guild et al. 7 vols. 1963. Reprint, Paris, AR: Baptist Standard Bearer, 2005.

Decoding Roger Williams
: Linford D. Fisher, J. Stanley Lemons, and Lucas Mason-Brown. *Decoding Roger Williams: The Lost Essay of Rhode Island's Founding Father.* Waco, TX: Baylor University Press, 2014.

DHRI
: Howard M. Chapin. *Documentary History of Rhode Island*. 2 vols. Providence, RI: Preston and Rounds, 1916, 1919.

ERP or *The Early Records of Providence*
: Town of Providence. *The Early Records of the Town of Providence.* Edited by Horatio Rogers et al. 22 vols. Providence, RI, 1892-1949.

The Examiner defended
: [Roger Williams]. *The Examiner defended, in A Fair and Sober Answer to The Two and twenty Questions which lately examined the Author of Zeal Examined.* . . . London, 1652.

Experiments
: Roger Williams. *Experiments of Spiritual Life & Health, And their Preservatives* . . . . London, 1652.

Fourth Paper
: Roger Williams. *The Fourth Paper Presented by Major Butler* . . . . London, 1652.

GFDB
: Roger Williams. *George Fox Digg'd out of his Burrowes* . . . . Boston, 1676.

Hireling Ministry
: Roger Williams. *The Hireling Ministry None of Christs, or A Discourse touching the Propagating the Gospel of Christ Jesus*. . . . London, 1652.

Jefferson-Madison Correspondence
Thomas Jefferson and James Madison. *The Republic of Letters: The Correspondence between Thomas Jefferson and James Madison 1776-1826.* Edited by James Morton Smith. 3 vols. New York: W. W. Norton, 1995.

Jefferson: Writings
Thomas Jefferson. *Thomas Jefferson: Writings.* Edited by Merrill D. Peterson. New York: Library of America, 1984.

Key
Roger Williams. *A Key into the Language of America* . . . . London, 1643.

Madison: Writings
James Madison. *James Madison: Writings.* Edited by Jack N. Rakove. New York: Library of America, 1999.

Mass. Laws
Colony of Massachusetts Bay. *The Charters and General Laws of the Colony and Province of Massachusetts Bay* . . . . Edited by Nathan Dane, William Prescott, and Joseph Story. Boston, 1814.

Mass. Records
Colony of Massachusetts Bay. *Records of the Governor and Company of the Massachusetts Bay in New England.* Edited by Nathaniel B. Shurtleff. 5 vols. Boston, 1853-54.

Mr. Cottons Letter Examined
Roger Williams. *Mr. Cottons Letter Lately Printed, Examined and Answered.* London, 1644.

NKJV
The New King James Version (copyright © 1982 by Thomas Nelson, Inc.) of the Bible as it appears in *The NKJV Study Bible: Second Edition*, ed. Earl D. Radmacher, Ronald B. Allen, and H. Wayne House (Nashville: Nelson Books, 2007).

Plymouth Laws
Colony of Plymouth. *The Compact with the Charter and Laws of the Colony of New Plymouth* . . . Edited by William Brigham. Boston, 1836.

Queries
[Roger Williams], *Queries of Highest Consideration* . . . . London, 1644.

Registers of Geneva Consistory
Consistory of Geneva. *Registers of the Consistory of Geneva in the Time of Calvin.* Vol. 1, *1542-1544.* Edited by Robert M. Kingdon, Thomas A. Lambert, and Isabella M. Watt. Translated by W. Wallace McDonald. Grand Rapids, MI: William B. Eerdmans, 2000. Kindle edition.

Reply to Mr. Williams or *Reply*
John Cotton, *A Reply to Mr. Williams his Examination; And Answer of the Letters sent to him by John Cotton.* London, 1647 (bound with *Bloudy Tenent Washed*).

RI Records
Colony of Rhode Island and Providence Plantations. *Records of the Colony of Rhode Island and Providence Plantations, in New England.* Edited by John Russell Bartlett. 7 vols. Providence, 1856-62. Facsimile reprint of vols. 1-3, Boston: Elibron Classics, 2005-6.

RIHS Collections
Rhode Island Historical Society. *Collections of the Rhode Island Historical Society.* 34 vols. Providence, 1827-1941.

Thomason Catalogue
Catalogue of the Pamphlets, Books . . . Collected by George Thomason, 1640-1661. Edited by G. K. Fortescue. 2 vols. London, 1908.

Winthrop Journal
John Winthrop. *The Journal of John Winthrop, 1630-1649.*

Edited by Richard S. Dunn, James, James Savage, and Laetitia Yeandle. Cambridge, MA: Belknap Press of Harvard University Press, 1996).

Winthrop Papers

Winthrop Papers. Vols. 3 and 5. Boston: Massachusetts Historical Society, 1943, 1947.

Persons

JA

John Adams

JC

John Cotton

JM

James Madison

RW

Roger Williams

TJ

Thomas Jefferson

Other Abbreviations

EEBO

Early English Books Online (http://eebo.chadwyck.com/home)

Thomason Collection

The collection of books, pamphlets, and newspaper articles gathered by George Thomason from 1649 to 1661, much of which has survived and is available on EEBO or microfilm.

Thomason Date

Handwritten date of London bookseller George Thomason on the title pages of books and pamphlets in the Thomason Collection.

Preface

This book is about Roger Williams, the seventeenth-century founder of what we know today as Rhode Island. Williams was the first American to advocate complete freedom of conscience and separation of church and state. The following pages explain how this devout religious minister opposed the dominant theocratic political systems of his time and established the first polity in modern history dedicated to liberty of conscience and separation of the civil and religious domains. We shall see how Williams's influence and relevance extended beyond his own time and, indeed, into our own time.

This work also addresses important aspects of Williams's founding and leadership of the governments of Providence and Rhode Island. For, in addition to being an advanced political and religious theorist, Williams was an eminently practical statesman. The following pages also consider his unusually enlightened approach to Native Americans.

In order to keep this book accessible to the general reader and not distract unduly from the main narrative, most scholarly documentation and discussions are placed in endnotes and appendices. Although I believe that even the general reader could profit from perusing that material, the choice is up to the reader. For a discussion of the use of primary and secondary sources and how the present history of Roger Williams differs from earlier

accounts, see the Note on Primary and Secondary Sources near the end of the book.

This work is organized chronologically, with Chapters 1-8 corresponding to successive periods in Roger Williams's life and Chapters 9 and 10 discussing his influence and continuing relevance. Some chapters are necessarily longer than others. For example, Chapter 1 is short because it involves Williams's early life in England, about which we have little relevant information. The much longer Chapter 2, in contrast, discusses one of the most consequential developments in Williams's long life: his 1631-36 conflict with New England theocracy leading to his banishment from the colony of Massachusetts Bay. To divide Chapter 2 into additional chapters would artificially interrupt the integrity of that chapter's theme. Nevertheless, Chapter 2 is, like the other chapters, subdivided into sections, each with a caption describing the topic or topics discussed in that section. Chapters 3-8 are similarly of varying lengths, depending on the subjects of later episodes in Williams's life. Chapter 9 is extensive, involving, as it does, the history of the influence of Roger Williams on the generation that obtained American independence and established the Constitution and Bill of Rights. Chapter 10 brings this topic up to the present time, though it does not address many detailed contemporary constitutional issues that would be beyond the scope of this work. The appendices are also of varying lengths. Appendix A, which is related to Chapter 1, discusses Williams's early mentor, Sir Edward Coke. Appendix B, which expands on Chapter 2, elaborates further the nature and history of New England theocracy and its relationship to the sixteenth-century theocracy erected in Geneva by John Calvin and his associates. Appendix C includes additional material on land distribution and freemanship in Providence that is relevant to Chapter 3. Appendix D, which is an extension of Chapter 9, discusses in

depth the possible influences of Roger Williams on John Locke and, through Locke, on Thomas Jefferson, and James Madison, with related discussions of such English personages as Sir Henry Vane, Sir Henry Stubbe, Edward Bagshaw, Thomas Hobbes, and John Milton.

Six maps are located near the beginning of the book after a map directory (with credit information) that follows the Table of Contents. Since the same map is often cited at different locations in the text, it is preferable, for ease of reference, to place them all at the beginning rather than intersperse them throughout the text.

With the understanding that the designations "American Indian," "Amerindian," "Native American" and "Native" are all currently acceptable to most American Indians, these terms are used interchangeably in this book. Whenever possible, a specific tribal designation is used. See "American Indian versus Native American: A Once-Heated Issue Has Sorted Itself Out," Infoplease.com, accessed October 2, 2014, http://www.infoplease.com/spot/aihmterms.html, and "What Style and Usage Guides Say: American Indian versus Native American," Infoplease.com, accessed October 2, 2014, http://www.infoplease.com/spot/aihmterms2.html. Roger Williams used various terms, including the simple word "American," to refer to American Indians. Sometimes, however, he used the offensive word "barbarian," especially in correspondence with other English Americans. As the modern editor of his correspondence has observed, Williams tried "to target his writings and tailor his approach to suit his readers. He wrote in different tones to different people."[1] For the sake of historical accuracy, quotations of Roger Williams's correspondence and other writings are not altered herein to substitute more acceptable language. The present book establishes that Williams actually had a rather enlightened view toward Native

Americans, but he sometimes lapsed into seventeenth-century language and attitudes, especially in the rhetorical context of communications with other New Englanders of English descent.

I plan to post any errata or updates to this book on my Academia.edu webpage (http://independent.academia.edu/AlanJohnson11). Detailed information about my background and other writings can be located at http://www.philosophia-publications.com. To receive updated information regarding my continuing scholarship on history, constitutional law, political science, and philosophy, the reader can click "Get Notifications" on the "Like" button of the Philosophia Publications Facebook page at http://www.facebook.com/philosophiapublications.

A slightly different version of the section "Was Massachusetts Bay a Theocracy?" in Appendix B was first published in *The Independent Scholar Quarterly* 26, no. 4 (November 2013): 1-7, http://www.ncis.org/sites/default/files/tis/NCIS_Nov13.pdf.

Professional artist Joann Harrah designed the cover image of Roger Williams for this work. No contemporaneous portrait of Williams has survived, and no descriptions of his physical appearance (as distinguished from his personality) exist. During the nineteenth century an alleged portrait of Roger Williams—anachronistic on its face—surfaced, but Rhode Island historian Sydney Rider proved it to be spurious. Strangely, that discredited image still reappears from time to time as a purported representation of the historical Roger Williams. In contrast, Ms. Harrah's conjectural depiction is consistent with what we know of Roger Williams's personality, personal circumstances, and the apparel of seventeenth-century Puritans and Separatists.[2]

I wish to thank my wife, to whom this book is dedicated, for her intellectual and other companionship during the years of our marriage. Although she is not herself an expert in American history, her intelligent questions and in-depth knowledge of other fields have never failed to keep our life together an interesting

adventure. She improved the present book by reviewing the manuscript for readability and typographical errors and by providing technical and other assistance in its production.

Alan E. Johnson
Pittsburgh, May 24, 2015

Note on Quotations, Citations, and Dates

Unless otherwise indicated in brackets or notes, all spelling, grammar, punctuation, capitalization, and use of italics in the materials quoted in this book are reproduced exactly as they appear in the source being quoted, except that certain seventeenth-century orthographic conventions unfamiliar to the modern reader (for example, the long "s" and superseded symbols for certain contractions) are silently changed to modern orthography, and superscript contractions are spelled out. My addition of emphasis to a quotation is indicated by the use of bold typeface in the quotation and the language "(emphasis added)" or "(bold emphasis added)" in the citation.

In order to reflect the original source as accurately as possible, this book generally utilizes the quotation rules of legal writing set forth in *The Bluebook: A Uniform System of Citation*, 19th edition (Cambridge: Harvard Law Review, 2010), 76-79. This practice is especially true of my use of ellipses, brackets, and first-line indentations of paragraphs. However, I do not, for stylistic reasons, always make quotations of more than forty-nine words into block quotations. All quotations, of course, are indicated by quotation marks or by indented block quotation format, and all quotations are sourced with a citation immediately thereafter or

at the end of the paragraph. The citations for textual matter are in endnotes, except that some citations to legal cases are directly in the text. I also use the legal citation terms of *supra* (above) and *infra* (below) to reference internal locations in the present book. Ibid., 71. With some exceptions, *The Chicago Manual of Style*, 16th edition (Chicago: University of Chicago Press, 2010), is followed regarding other style matters.

The source of the first epigraph at the beginning of this book is Roger Williams, "An humble Motion to the Towne of Providence," August 31, 1648, in *The Early Records of the Town of Providence*, ed. Horatio Rogers et al., 22 vols. (Providence, 1892-1949), 15:17 (frequently cited herein as *ERP*). Some punctuation has been added for readability. A photographic image of the recto page of the original manuscript of this document is reproduced in ibid., between pages 38 and 39. *The Early Records of Providence* has exceedingly accurate transcriptions of many relevant manuscripts. That edition is accordingly used in the present book as the source of all citations to and quotations from documents contained therein. All quotations in the present book from *The Early Records of Providence* omit the editors' italics that indicate reliance on an earlier edition where the original manuscript was no longer legible; the quotations also omit the symbols used by *ERP* editors that indicate apparently contemporaneous interlineations.

Except to the extent printed in *The Early Records of Providence*, quotations of Roger Williams's correspondence are from *The Correspondence of Roger Williams*, ed. Glenn W. LaFantasie, 2 vols. (Hanover, NH: University Press of New England / Brown University Press, 1988) (frequently cited herein as *CRW*), which also attempts extreme fidelity to the original manuscripts when those were available to the editorial staff. In a few instances, a writing by Williams is printed in both *The Early Records of Providence* and in the LaFantasie edition of *The Correspondence of Roger Williams*. Sometimes minor differences exist between these

two versions, perhaps because the manuscripts had aged further in the long period of time between the two editions (volumes 1-21 of *ERP* were published from 1892 to 1915; volume 22, which contained no documents, was published in 1949). Quotations and citations in the present book of documents that are printed in both of these works are from *The Early Records of Providence* with a parallel citation in parentheses to *The Correspondence of Roger Williams*.

Citations to the *Records of the Colony of Rhode Island and Providence Plantations, in New England*, 7 vols., ed. John Russell Bartlett (Providence, 1856-1862) (hereafter cited as "*RI Records*"), are avoided whenever a particular document found therein is more accurately reproduced in another source. This work is notoriously imprecise in its reproduction of documents, and quotations from it are not always reliable renditions of the originals. Rhode Island historian Sidney S. Rider observed, in 1896, that John Russell Bartlett, as editor of the *RI Records*, "neglected no opportunity of making error . . . ." Historian Sidney V. James similarly remarked, with reference to these volumes, that Bartlett's "work was of extremely uneven quality" and that "[t]he whole project . . . should be done over."[1]

All citations of Williams's formal works published during his lifetime are to the original editions as they appear in Early English Books Online ("EEBO") along with parallel citations (in parentheses) to the standard reprint of Williams's writings, *The Complete Writings of Roger Williams*, ed. Reuben Albridge Guild et al., 7 vols. (1963; repr., Paris, AR: Baptist Standard Bearer, 2005) (hereafter cited as *CWRW*). Volume 6 of *CWRW*, edited by John Russell Bartlett in the nineteenth century, contains much of Williams's correspondence, but *ERP* and *CRW* are preferred as being more complete, more accurate, and better edited.[2] Unless otherwise indicated, all citations to text in *CRW* and *CWRW* are to the seventeenth-century writings contained therein; all citations

to notes are to the editorial notes in those publications. The same procedure is employed with regard to other primary-source compilations. My reviews of *CRW*, each of the seven volumes of *CWRW*, and other publications relating to Roger Williams can be located at http://independent.academia.edu/AlanJohnson11.

All references to "NKJV" are to the New King James Version (copyright © 1982 by Thomas Nelson, Inc.) of the Bible as it appears in *The NKJV Study Bible: Second Edition*, ed. Earl D. Radmacher, Ronald B. Allen, and H. Wayne House (Nashville: Nelson Books, 2007).

During Roger Williams's lifetime, the English world used the Julian calendar, in which the new year started on the date of March 25 instead of January 1. For the convenience of the modern reader, all dates from January 1 through March 24 of a particular year before 1752 are rendered in the text (except for quotations) as though the new year had started on January 1. For the purposes of accuracy and clarity, the endnotes use the standard dual-year system for January 1 through March 24, for example, January 5, 1635/36, with the latter year corresponding to the Gregorian calendar (the calendar used today). The British world adopted the Gregorian calendar in 1752. That change involved, in addition to marking the new year at January 1, a skipping of the days September 3 through September 13 in the year of 1752. Pre-1752 dates are not adjusted in this book to conform to what would be the exact date in the Gregorian calendar. The only change from the Julian calendar date is the change of the new year from March 25 to January 1 in the text.

The present book sometimes gives specific date references (month and sometimes day as well as year) for books and pamphlets published in London from 1640 to 1661. These references are mostly based on the handwritten dates of London bookseller George Thomason on the title pages of publications he contemporaneously acquired for the purpose of historical preservation

during those years. These handwritten notations apparently represented the dates Thomason acquired the publications, which normally would be the approximate (not necessarily exact) publication dates.[3] PDFs of the contents of the books, pamphlets, and newspapers collected by Thomason ("Thomason Collection"), to the extent the works have survived, are available on EEBO, and an approximate month/day of publication referenced in the present book is predicated upon Thomason's handwritten date in the EEBO PDF of a particular book or pamphlet ("Thomason Date") and a modern edition of his chronological catalogue (Gregorian calendar year).[4] Such bibliographical information is also available in the freely accessible English Short Title Catalogue (http://estc.ucr.edu/), though the works themselves are not available in this source.

Additional information about my use of primary and secondary authorities is discussed in a separate Note On Primary and Secondary Sources near the end of this book.

Prologue

Roger Williams walked through the snow of a forest on a cold morning in January of 1636. Decades later, he wrote about that first winter of his decades-long banishment from the Massachusetts Bay colony, "when I was unkindly and unchristianly (as I believe) driven from my howse and land, and wife and children (in the midst of N. Engl. winter now about 35 years past) at Salem." He recalled that "I steerd my Course from Salem (though in Winter snow wch I feele yet)" through the wilderness to an area outside the jurisdiction of Massachusetts Bay. Williams was unwelcome in both Massachusetts Bay and in the other principal New England colony at that time, Plymouth. Though a deeply religious man, he was not above a bit of sarcasm when sufficiently provoked: "And surely betweene those my Friends of the Bay and Plymmouth I was sorely tost for one 14 weekes (in a bitter Winter Season) not knowing what Bread or Bed did meane." By the summer, however, he had founded a new community, set apart—geographically and philosophically—from the Puritan theocracies of New England. He called it Providence.[1]

This is the story of the dramatic life, thought, and work of Roger Williams, the founder of the town of Providence in what later became known as Rhode Island. Born and raised in England, Williams knew or otherwise personally encountered—during his youth or in later return visits—some of the greatest figures of

English history: Sir Edward Coke, Sir Francis Bacon, King James I, the young man who became King Charles I, John Milton, Oliver Cromwell. In contrast to such famous contemporaries, Williams persistently argued, publicly and unambiguously, for complete liberty of conscience and a "wall" of separation between church and state—both for America and for Europe. At a time when most of the governments in Europe and America promulgated some form of established religion that persecuted religious dissenters, Williams founded a government that was explicitly based on the principles and values of what became, more than 150 years later, the Establishment and Free Exercise Clauses of the First Amendment to the U.S. Constitution. As American diplomat (later U.S. Secretary of Commerce and Labor) Oscar S. Straus concluded more than a century ago, Roger Williams "was not the first to discover the principles of religious liberty, but he was the first to proclaim them in all their plenitude, and to found and build up a political community with those principles as the basis of its organization."[2]

CHAPTER 1

Old England: Roger Williams's Early Years (ca. 1603-30)

> But how many thouhsand times since [my emigration to America] have I had honourable and precious remembrance of [Sir Edward Coke's] person and the Life, the Writings, the Speeches, and Examples of that Glorious Light? And I may treuly say that beside my natural Inclination to studie and Activitie, His Example, Instruction, and Incowragemt have spurd me on to a more than ordinarie industrious and patient Course, in my whole Course hietherto.
>
> Letter of Roger Williams to Anne Sadleir (daughter of Sir Edward Coke), ca. April 1652[1]

English Background

Roger Williams's birth date has long been a subject of historical discussion. His birth and baptism records were destroyed in the 1666 Great London Fire. What is known is that he was born in England near the end of the long reign of the last Tudor monarch, Queen Elizabeth I (r. 1558-1603), and the beginning of the reign of the first Stuart monarch, King James I (r. 1603-25). The consensus of most recent historians who have studied the question is

that he was born in or about 1603. This date is supported, though not directly, in Williams's own writings.[2]

Roger Williams often made reference to English and continental European events that had occurred during the decades before his birth. Additionally, although he emigrated to America in 1631, he made two return visits to England during times of political upheaval in that nation. As we shall see, most of Williams's writings were published during those return visits, and some of those writings discussed the political and religious issues then being contested in what, to Williams, was his native country. To understand Williams's life and thought, then, we must know something about the political and religious developments of sixteenth- and seventeenth-century England and Europe.

These early modern centuries were an era of brutal religious conflict, persecution, and warfare in the European world. Elizabeth I's father, King Henry VIII (r. 1509-47), had broken with the Roman Catholic Church in 1532-34 and thereafter ruled as the legal Supreme Head of the Church of England. Although Martin Luther had started the Protestant Reformation in 1517, Henry was no Lutheran. In 1521, before the English separation from Rome, Pope Leo X had granted him the title of Defender of the Faith after he wrote a book attacking Lutheranism. Following his break from the Roman Catholic Church, Henry continued many Catholic doctrines, rituals, and practices while making himself, rather than the pope, the head of the English established church.

Henry VIII was succeeded by his Protestant son, Edward VI (r. 1547-53), who died at the age of fifteen and whose brief reign was controlled by a regency. Edward was followed by Lady Jane Grey, a Protestant, whose de facto reign lasted only nine days. Mary I then became Queen, ruling from 1553 until the accession of Elizabeth I in 1558.

Mary I, a Roman Catholic, earned the sobriquet "Bloody Mary" by her relentless persecution of Protestants, including burning almost three hundred of them at the stake. Mary's policy of attempting to force England back to Catholicism was reversed by Elizabeth I. However, Elizabeth, like her father, Henry VIII, wished to preserve many Catholic practices. This became a point of contention between the Queen's established Church of England and a rising group of Protestants who were called, at first pejoratively, Puritans. The Puritans wished to purify the Church of all remnants of Roman Catholicism. To discourage both Catholic and Puritan sentiment, Elizabeth I had her Parliament pass an Act of Uniformity in 1559. This Act required the use in all churches of a governmentally formulated Book of Common Prayer (as distinguished from both Catholic and Puritan alternatives) and outlawed any verbal derogation of the Book of Common Prayer. Violations by clergy or lay persons of this law resulted in fines or imprisonment, including life imprisonment for repeated violations. The Act also ordered compulsory church attendance at the governmentally established Church of England on Sundays and holy days, with offenders being punished by fines.[3]

The Catholic popes in Rome wished to overthrow Elizabeth. In a papal bull issued on April 27, 1570, Pope Pius V alleged that he alone, as successor to the Apostle Peter, had been "made ruler over all peoples and kingdoms, to pull up, destroy, scatter, disperse, plant and build . . . ." But "Elizabeth, the pretended Queen of England" had "monstrously usurped the place of supreme head of the Church in all England" and "followed and embraced the errors of the heretics" by outlawing the Church of Rome and its practices and by forbidding "the prelates, clergy and people to acknowledge the Church of Rome or obey its precepts and canonical sanctions," forcing "most of them to come to terms with her wicked laws, to abjure the authority and obedience of the Pope

of Rome, and to accept her, on oath, as their only lady in matters temporal and spiritual . . . ." Elizabeth had "imposed penalties and punishments on those who would not agree to this and . . . has thrown the Catholic prelates and parsons into prison where many, worn out by long languishing and sorrow, have miserably ended their lives." Accordingly Pius V declared that Elizabeth and her adherents were excommunicated from the Roman Catholic church; that she was "deprived of her pretended title to the aforesaid crown and of all lordship, dignity and privilege whatsoever"; that "the nobles, subjects and people of the said realm and all others who have sworn oaths to her" were "forever absolved from such an oath and from any duty arising from lordship, fealty and obedience"; and that any "nobles, subjects, peoples and others" who dared "obey her orders, mandates and laws" were included "in the like sentence of excommunication."[4]

Pius V did not think in practical terms, and concrete action to implement his bull did not occur until after he was succeeded, in 1572, by Pope Gregory XIII. The situation became more complicated as a result of the secret infiltration of Catholic missionaries into England. The question arose what position these missionaries should take regarding the 1570 bull. Should they encourage English Catholics to commit political treason against Elizabeth? Gregory advised that they were under no obligation to take such dangerous activity until such time as the deposition of Elizabeth was possible. In the meantime, the English government proceeded to prosecute Catholic priests for treason, alleging that they were under the control of a foreign power, the pope. About 189 Catholics were executed; more than fifty died in prison.[5]

Gregory organized or supported some small-scale expeditions to overthrow Elizabeth, but none of these succeeded. It became clear that assistance would be necessary from Catholic

Spain if an attempt to depose the English queen were to have any hope of success.[6]

The accession of Sixtus V as pope in 1685 coincided with the desire of King Philip II of Spain to invade England and replace Elizabeth as monarch. Sixtus agreed to finance the expedition, and he issued "A Declaration of the Sentence and deposition of Elizabeth, the usurper and pretensed Quene of Englande." This Declaration repeated many of the allegations of the bull issued by Pius V and gave religious sanction to the Spanish king's attempt to overthrow Elizabeth. The result was the famous Spanish Armada of 1588. Although the English navy substantially disabled the Spanish fleet before the latter was dispersed and largely destroyed by weather events, the English government attributed the victory solely to God in an attempt, very influential in the sixteenth century, to demonstrate that God was on the side of English Protestantism.[7]

The accession of King James I in 1603 was followed by additional Catholic plots (or alleged Catholic plots) to overthrow James, a Protestant monarch. The most famous of these was the 1605 Gunpowder Plot, in which some disaffected English Catholics almost succeeded in blowing up the House of Lords on the occasion of the State Opening of Parliament, attended by the king and all or most members of the government.[8]

The reign of James I also witnessed an increasingly bitter struggle between the Puritans (some of whom held seats in Parliament) and the episcopal hierarchy of the established Church of England (supported by the king). This conflict was exacerbated under Charles I (1625-49) and was one of the causes of the resulting English Civil Wars (1642-46 and 1648-49). However, Roger Williams emigrated to America before the Civil Wars began, and we now turn to his personal story.

Early Upbringing

Only a few facts are known about Roger Williams's life in England before he moved to America. Some information can be gleaned from his writings, the writings of people with whom he interacted, and certain documentary evidence referring to him. Other facts can be surmised from what is known of the places and culture of Williams's youth as well as English history during those years and general documentary evidence. Professor Ola Elizabeth Winslow published a book during the 1950s that used all such historical sources to construct a picture of Roger Williams's early years.[9] Mary Lee Settle went further and wrote an imaginative historical novel about Roger Williams's youth, starting with some of the same information.[10] The present account attempts to avoid fictional speculation by focusing on the verifiable facts.

Roger Williams grew up in an area called Smithfield in the northwestern section of London. His father, James, was a cloth merchant. During his youth Williams undoubtedly became aware of religious persecution. When he was a boy, a lay preacher named Bartholomew Legate was burned to death for heresy near Williams's house. The neighborhood had also been the locale of several other executions of people on religious grounds.[11] In a letter written decades later, Williams referred to "holy Bradford" (John Bradford), who was one of the Protestants burned at the stake in Smithfield during the reign of Mary I.[12]

Late in his life, Williams wrote that his youth had been strongly influenced by religious faith and that he had been exposed in his early years to many different religious viewpoints:

> The truth is . . . from my Childhood (now above threescore years) the Father of Lights and Mercies toucht my Soul with a love to himself, to his only begotten, the true Lord Jesus, to his holy Scriptures, &c. his infinite Wisdome hath given me to see the City [London], Court [of King James I] and Country, the Schools and Universities of my Native Country [England], to converse with some Turks [Muslims], Jews, Papists [Roman Catholics], and all sorts of Protestants, and by Books to know the Affairs and Religions of all Countries, &c.[13]

In a 1632 letter, Roger Williams stated that he had been "in Christ, called and persecuted even in and out of my fathers howse these 20 yeares . . . ."[14] Williams's known writings do not clarify what he meant by being persecuted in his father's house; no other evidence suggests that he had any religious issues at this time with other family members.[15]

The young Roger Williams and his family attended the neighborhood Holy Church of St. Sepulchre (contracted from the medieval name St. Edmund and the Holy Sepulchre), whose vicar was John Spenser, an eminent Puritan preacher and co-translator of the Authorized Version (King James Version) of the Bible. Sir Samuel Saltonstall and Captain John Smith, who were involved in the English exploration and colonization of America, were also associated with this church. It is likely that Williams received his early education at the St. Sepulchre school. Such education emphasized religious training as well as English and Latin reading and grammar.[16]

Roger Williams and Sir Edward Coke

While growing up, Williams acquired a facility in shorthand. This skill attracted the attention of Sir Edward Coke—the great English law lecturer, legal scholar, attorney, jurist, and parliamentarian—possibly while observing Williams taking shorthand at a church service. Coke then employed Williams to take shorthand for him at judicial proceedings.[17]

Some evidence exists that Williams was a full-fledged law clerk for Sir Edward Coke from 1617 to 1621. During this time Williams might have lived with Coke in an apprentice-type arrangement and would have obtained rigorous legal training, including attendance with Coke at judicial proceedings.[18]

Anne Sadleir, a daughter of Edward Coke, wrote the following on a letter that she received from Roger Williams in about April of 1652 during his second return visit to England:

> this Roger Williams when he was a youth would in a short hand take sermons, and speeches in the [court of] starchamber and present them to my dear father, he seing him soe hopefull a youth, tooke such likeing to him that he put him into suttons hospietall [a school, also known as Charterhouse] and he was the second that was placed there [by Coke.][19]

In his April 1652 letter to Anne Sadleir, Williams discussed, among other things, his early association with her father and his subsequent flight from England to America:

> My much honoured friend, That Man of Honour and Wisedome and pietie your deare Father, was often pleased to call me his Son and truly it was as bitter as Death to me (when Bp [Bishop] Laud pursued me out of this Land and my Conscience was perswaded agst the Nationall Church and Ceremonies and Bps [Bishops] beyond the Conscience of your deare Father) I say it was as bitter as Death to me when I rode Windsor way to take ship at Bristow and saw Stoke-Howse where that blessed man was and I then durst not acquaint him with my Conscience and my Flight. But how many thouhsand times since have I had honourable and precious remembrance of his person

> and the Life, the Writings, the Speeches, and Examples of that Glorious Light? And I may treuly say that beside my natural Inclination to studie and Activitie, His Example, Instruction, and Incowragemt have spurd me on to a more than ordinarie industrious and patient Course, in my whole Course hietherto.[20]

Williams mentioned in another letter that he had spoken with King James I.[21] This event most probably occurred during the course of his employment with Coke. In a 1653 letter to Anne Sadleir, Williams commented both on King James I and James's son, King Charles I, whom Williams had also met:

> For the King [Charles I], I knew his person, vicious, a Swearer from his youth, and an oppressour and persecutor of Good Men (to say nothing of his owne Fathers blood, and the blood of so many hundredth thouhsand English, Irish, Scotch, French, lately charged upon him). Agst his and his blaspheamous Fathers Cruelties, Your owne dear Father, and many Precious Men shall rise up shortly and cry for vengeance.[22]

It is clear from Roger Williams's April 1652 letter to Anne Sadleir that Coke had a great influence on him. More than a century later, Coke was also a strong source of authority for John Adams,[23] Thomas Jefferson,[24] and many others involved in the American War for Independence and in the formulation and judicial interpretation of the U.S. Constitution and Bill of Rights.[25] Appendix A discusses Coke's judicial, political, and literary career in some depth. Coke became a hero to those, like Roger Williams and the eighteenth-century American Founders, who valued the rule of law and opposed arbitrary government.

Charterhouse and Cambridge

In 1621, Sir Edward Coke, who was soon to be incarcerated in the Tower of London for displeasing King James I, arranged for Roger Williams to be admitted to Charterhouse School, also known as Sutton's Hospital. Charterhouse was a kind of preparatory school for middle class boys. Here, Williams studied Greek and Latin (languages in which the students were required to converse as well as read and translate), rhetoric, disputation, and religion.[26]

Roger Williams began studies at the University of Cambridge (Pembroke Hall) in 1623 or 1624. He received a regular stipend from Charterhouse School during his years at Cambridge, and he was awarded his A.B. degree in July of 1627. He then continued at the University for about another eighteen months but left before receiving an advanced degree.[27]

Both at Charterhouse and at Cambridge, Williams received a rigorous classical education, focusing on reading ancient Greek and Roman philosophers, rhetoricians, poets, and historians in their original languages, studying the Greek Christian Bible, and mastering deductive logic.[28] At that time modern science was in its infancy, with Francis Bacon and Galileo just beginning to propose a more inductive and experimental way of approaching an understanding of the natural world. Although Roger Williams did not receive any formal training in the emerging new science, he was aware of Bacon (the political adversary of Coke) and may have become familiar at some point with Bacon's scientific thought.[29]

Williams's postgraduate work at Cambridge likely involved the study of theology, a subject to which he was also repeatedly exposed as an undergraduate.[30] He may have been ordained in the Church of England in 1629.[31]

Roger Williams's Final Years in England

The late 1620s were a time of religious turmoil in England. Anglican Bishop Laud was determined to make the Puritans conform to Church of England rituals and practices, and the Puritans were just as determined to resist what they saw as an increasing reversion to Roman Catholicism—or "Papism," as they called it. Roger Williams was firmly in the Puritan camp. To obtain an advanced degree at Cambridge would have required him to subscribe to new governmental ecclesiastical principles with which he profoundly disagreed. Instead of finishing his degree, Williams left Cambridge for private employment as a chaplain with the family of Sir William Masham, a member of a Puritan group in Parliament that opposed the High Church rituals and practices of Bishop Laud and the crown. Sir William's estate was in the East Anglian county of Essex, a locus of Puritan dissent,[32] and Masham's family in Essex was very much involved with the Puritan movement. Although Williams now moved to Essex, he became a courier of important news between Sir William in London and the latter's family and friends in Essex. In that role Williams witnessed some important historical developments in the House of Commons. By that time he had also very likely met Oliver Cromwell, a new member of Parliament and a nephew of Sir William's mother-in-law. Cromwell would later be a Puritan military leader during the English Civil Wars and would rule as "Lord Protector" of England for a number of years before his death and the eventual Restoration of King Charles II.[33]

It was during this timeframe that some English Puritans, including John Winthrop, John Cotton, and Thomas Hooker, began to plan a settlement in New England. Roger Williams was involved, to some extent, in this planning, and he rode with Cotton and Hooker to a meeting to discuss the proposed

emigration. In October 1629, Winthrop was elected governor of the Massachusetts Bay Company. He led the first major wave of Massachusetts Bay settlers, who arrived in New England in June of 1630. Roger Williams stayed behind, but not for long. As Bishop Laud tightened the restrictions against Puritan ministers, including those employed by private patrons, Williams finally decided to leave for America. In the meantime, in December of 1629, he had married Mary Barnard, the daughter of a Puritan minister. Roger and Mary left England in December 1630 and arrived at Boston in February of 1631.[34]

Had Williams been more conformist in his religious views, he might have had a successful career in England in various pursuits. Before leaving for America, he observed that "[a] gracious God and a tender Conscience . . . hath kept me back from honour and preferment."[35] He later remarked that God "knows what Gains and praefermnts I have refused in Universitie, City Countrey and Court in Old Eng . . . to keepe my Soule undefiled in this point, and not to act with a doubting Conscience etc."[36]

CHAPTER 2

Roger Williams Versus the Massachusetts Bay Theocracy (1631-36)

> [T]here was a whole country in America like to be set on *fire* by the *rapid motion* of a windmill, in the head of one particular man. Know, then, that about the year 1630 [February 1631], arrived here one Mr. Roger Williams . . . .
>
> Cotton Mather, 1702[1]

Religion and the Seventeenth Century

The seventeenth century was obsessed with religion. Although Roger Williams was concerned with secular as well as religious issues, it is important to understand the religious context of his time and place. Williams and his Puritan contemporaries were Protestant Christians, specifically Calvinists. As a consequence of the sixteenth-century Reformation and the sixteenth- and seventeenth-century Protestant-Catholic wars of religion, the vast majority of Calvinists in England, Scotland, and New England considered what they called "Church of Rome" (the Roman Catholic Church) in general, and the Roman Catholic popes in particular, to be the "Antichrist" referenced in 1 John and 2 John (but not Revelation) of the Christian Bible. They routinely called Roman Catholics "Papists" or "Antichristians."[2]

Roger Williams often seemed to concur with the standard Puritan view that the Catholic Church was the Antichrist. He went well beyond this popular notion, however, in asserting that "[t]here are many *Antichrists*"; he referred to "all the severall sorts of *Antichristians*, who set up many a *false Christ* instead of him." Indeed, Williams wrote that the "*Antichristian World*" included both "*Papists* and carnall Protestants" who "plague each other" and "fill their *Cups* of *Bloud* each to other, while they contend and fight, first against *God*, and then one against another, for their severall false *Prophets* and *Religions*."[3] In fact, in 1634, Williams was accused of calling the Protestant churches of England "Antichristian," and the following year he was officially charged with stating that the Puritan churches of Massachusetts Bay were "full of Antichristian pollution . . . ."[4] We shall see that Williams departed from virtually all of his Protestant contemporaries in advocating complete liberty of conscience for all Christians (including Catholics), non-Christians, heretics, and blasphemers—indeed, even those who did not fear God (people we now would call atheists or agnostics). We shall also learn that Williams had, at least in his early decades, a deep sympathy with, and compassion for, most if not all human beings, including individual Catholics and even those brought up in "heathen" cultures and faiths. In this, he stood virtually alone in his century—and, indeed, in all centuries.

As a result of the seventeenth-century preoccupation with religion, any discussion of Roger Williams's life and times requires frequent reference to the Protestant Bible. This scriptural compilation differs from the Catholic Bible by the deletion of certain so-called apocryphal books from the latter. It differs from the Jewish scriptures by the addition of what Christians call the "New Testament." The terms "Old Testament" and "New Testament"—foreign to Judaism and other non-Christian religions—are unavoidable in this historical context, and it is requested that non-Christian readers keep in mind that the present book is

written solely from a historical perspective with absolutely no religious agenda. Because of Roger Williams's unique standing as an unqualified proponent of liberty of conscience and separation of church and state, his basic principles and historical actions have long been an inspiration to people of all faiths—and those of no faith—even though he often (but not exclusively) used scriptural analysis and interpretation to support his conclusions. It is also a historical fact that no political book or pamphlet published in England or New England in the seventeenth century would have been taken seriously—even if it somehow managed to pass through the governmental censors—unless it contained copious references to and arguments from the Protestant Bible.[5] This reality applied even to the publications of such famous seventeenth-century English philosophers as Thomas Hobbes and John Locke. Although Roger Williams was (in contrast to Hobbes, for example) undoubtedly sincere in his religious beliefs and arguments, it should be remembered that he was not free to make only secular arguments.[6]

To appreciate Williams's historical context, we must understand the ecclesiastical approaches of competing Protestant groups. The Church of England was the official church mandated by the English government before and after the mid-seventeenth-century English revolutionary period. It had a hierarchical episcopal system in which bishops appointed by the crown had sole legal power to ordain the lower clergy. Ordained Anglican priests were installed by various procedures to particular "livings," including territorial parishes with compensation by government-mandated tithes and land grants (glebes). The king was the head of the Church of England who, with his archbishops and bishops, persecuted religious dissenters (those who did not conform to Anglican doctrine or practices).[7]

Presbyterianism, which became the established governmental religion of Scotland (and, on paper, for a brief period of time

in revolutionary England), created regional presbyteries to appoint ministers to local churches. Seventeenth-century English Presbyterians wished to maintain the governmental parishes and funding of the Church of England while using government to suppress non-Presbyterian doctrines and churches, just as Anglicans had persecuted dissenters (including Presbyterians) from the Church of England.[8]

Although the Presbyterians were ascendant during the early years of the English revolutionary period, they gradually gave way to newly emergent Congregationalists or Independents under the political leadership of Oliver Cromwell and his "pope," John Owen. Congregationalists differed in significant ways from both Anglicans and Presbyterians. Congregationalist theory held that each "gathered" congregation of the "visible elect" (those predestined for salvation as determined by the congregation) should choose its own minister. There were basically two types of Congregationalists: Separating and Nonseparating Congregationalists.[9]

The Separatists rejected the institutional Church of England as a legitimate Christian church. "Radical" Separatists such as Roger Williams opposed all intercourse with Anglican churches and all governmental involvement in religion, including the Anglican governmental parish system, governmental funding of religion, and governmental suppression of "heresies" or "schisms." "Moderate" Separatists such as the Pilgrim settlement in Plymouth had a kind of modified Separatism that allowed some individual interaction with Anglican parish congregations and recognized some governmental coercion in religious matters.[10]

The Nonseparating Congregationalists attempted a kind of compromise between the Anglican and Separatist models. They publicly professed allegiance to and communion with the Church of England, but they somehow tried to reconcile that acceptance

with a Congregational organization (apparently hoping that the Church of England would gradually evolve into a Congregational system while dropping practices that the Puritans opposed). Nonseparating Congregationalists generally supported governmental involvement in religion and governmental suppression of those who disagreed with their system. Notwithstanding the inherent contradictions in Nonseparating Congregationalist theory, these Puritans were able, for an extended period of time, to implement it in Massachusetts Bay, Connecticut, and New Haven (which later merged into Connecticut). Their success was probably a result of their geographical distance from England and the fact that the English government was too distracted by civil war and other emergencies to bring New England into conformity with the English system. The issue of acceptance of the Church of England was ameliorated during the years (1646-61) when the Anglican episcopal system was abolished during the English revolutionary period. However the Anglican system came back with a vengeance after the Restoration of King Charles II in 1660.[11]

Logically, Congregationalism would imply that individual congregations should be free from control by civil government as well as from control by bishops or presbyters. That is not, however, how Congregationalism worked out in practice in New England—or even in Cromwellian England (see Chapter 7). The colonies of Massachusetts Bay, Connecticut, New Haven, and Plymouth all practiced significant governmental involvement in religious matters notwithstanding their purported Congregationalism. See Appendix B for the details of how each of these colonies developed "Congregational" theocracies. Brooks Adams, the great-grandson of John Adams and grandson of John Quincy Adams, summarized the operation of Congregational theocracy in Massachusetts as follows:

> The clergy's rule was rigid, and met with resistance, which was crushed with an iron hand. . . . [T]he churches themselves, which were supposed to be independent of external interference and to regulate their affairs by the will of the majority, had become little more than the chattels of the priests, and subject to the control of the magistrates who were their representatives.[12]

Roger Williams was a radical Separatist and was perhaps a Congregationalist during his early New England years. But Williams opposed the theocracies that all New England colonies other than his own (his settlement in Providence, which later became Providence Plantations and Rhode Island) developed in the early and middle seventeenth century. Alone among New England's political and religious leaders, he saw that government-controlled Congregationalism was not Congregationalism at all. In fact, he taught that any involvement of government with religion was both Antichristian and inconsistent with peace and rational political theory. The other New England colonies and their apologists reacted with fury to his exposure of the essential contradictions in their systems. The remainder of this book discusses, among other things, the events and written disputations that resulted from Williams's simple observation that the emperor had no clothes—either in the New England theocracies or in old England (where, during the period 1640-60, Presbyterians and Congregationalists attempted to replace the episcopal system of the Church of England with alternative theocratic systems).

The previous chapter of this book concluded with Roger Williams's 1630-31 voyage from England to New England. As background, we now outline the main historical developments in English America during the years and decades before Williams took his first step on this continent.

English America Before Roger Williams's Arrival

The first permanent English settlement in America began in Virginia in 1607. Although economic motives came to dominate the colony, religious thinking had much to do with its founding.[13] An Anglican minister accompanied the first expedition,[14] and, consistent with the political theory of the era, theocratic laws were soon established in the colony.[15] Virginia officially recognized the Church of England as its established, exclusive religion.[16] Religious dissenters were persecuted until Thomas Jefferson and James Madison, with the popular assistance of some leaders and congregants of dissenting religious sects, obtained the separation of church and state and complete religious freedom in Virginia during the years 1776 to 1786.[17]

In contrast to Virginia, New England was mostly settled by Calvinist religious dissenters escaping religious persecution by the combined power of the Stuart monarchy and the governmentally established Church of England. Separatists established the first lasting colony in New England. These "Pilgrims," as they were later known, initially escaped from English persecution to Holland in 1607-8.[18] After living in Holland for many years, a number of them sailed to New England in 1620 and founded Plymouth in what is now southeastern Massachusetts (see Map 1). Plymouth remained a small but politically distinct colony until it was merged into a newly constituted Province of Massachusetts Bay in 1691-92.[19]

Some English companies and individuals also attempted to establish settlements north of Plymouth during the 1620s. Most of these settlements were unsuccessful, though a few English people managed to survive in the wilderness. A remnant of about thirty people from an abandoned Cape Ann fishing community (located about thirty miles northeast of present-day Boston) founded Naumkeag (later known as Salem, located about fifteen miles

northeast of present-day Boston) in the autumn of 1626 (see Map 1). These settlers became known as the "Old Planters."[20]

The newly formed New England Company in England took over the Naumkeag project from the Dorchester Company and sent John Endecott and others to the relief of the small community in 1628. The New England Company gave Endecott virtually dictatorial powers for the initial months after his arrival, and he did not hesitate to use those powers for what he perceived to be the greater good. In the process, he alienated some of the Old Planters. But compromises were made, and the settlement was accordingly renamed "Salem" (the Hebrew word for "peace") by the summer of 1629.[21]

In March of 1629, the New England Company merged into the Massachusetts Bay Company ("MBC"). In April the MBC made Endecott the Salem community's official governor (assisted now with a council) and sent a fleet of ships to reinforce Salem and its environs with 200-300 people as well as supplies. Among the new arrivals were Samuel Skelton, who became the Salem church's pastor, and Francis Higginson, who became its teacher.[22] By this time, Governor Endecott had become influenced by Separatism and had expressed approval of the form of worship in Plymouth. Skelton and Higginson were Congregationalists and, for all practical purposes, Separatists, and the Salem church was organized on a Congregationalist and de facto Separatist basis. Endecott, who fully agreed with and perhaps even instigated this plan, had no use for the Church of England. He shipped John and Samuel Browne, important figures in the MBC, back to England when he caught them trying to maintain Anglican religious services in the community. Skelton, who may have been somewhat more Separatist in inclination than Higginson, insisted that women wear veils, and he also adopted the Separatist position of non-communion with the Church of England.[23]

Meanwhile, in England, the MBC organized the great Puritan migration of 1630, with John Winthrop replacing Endecott as governor of the Massachusetts Bay colony north of Plymouth. This and later Puritan migrations were dominated by political and religious leaders who disagreed with many practices of the Church of England but who—unlike the Pilgrims in Plymouth and probably unlike Endecott, Skelton, and Higginson in Salem—publicly expressed a willingness to remain within that church. The English government, through the auspices of Bishop (later Archbishop of Canterbury) William Laud, had persecuted these Puritans for their nonconformity to government-established religious rituals and practices. Although the 1630 Puritan immigrants first landed in the vicinity of Salem, they settled in many different localities north of Plymouth. All of these expanding settlements came to be governed by a general government in Boston, which replaced Salem as the political center of the Massachusetts Bay colony (see Map 1). The institution of the General Court (and the Particular Courts of the magistrates between the General Court sessions) held all ultimate executive, legislative, and judicial powers and came to control most aspects of political and religious life in the colony.[24]

Appendix B discusses in depth the historical development of theocracy and government in New England, especially in Massachusetts Bay. It is recommended that the reader peruse this appendix in order to understand how theocratic institutions evolved in Massachusetts Bay and in New England generally. Only the settlement founded by Roger Williams in what is now Rhode Island was immune from the Puritan assumption that government must require all people within its territory to conform to a particular set of theological doctrines and religious practices.

Although all of the New England colonies other than that established by Williams believed, in principle, in theocracy and had

laws enforcing theocracy, it was Massachusetts Bay, above all others, that consistently utilized the power of the state to persecute religious dissenters and that pressured smaller colonies such as Plymouth to do likewise. It was accordingly Massachusetts Bay that had the biggest issue, both in theory and in practice, with the principles of liberty of conscience and separation of church and state advocated by Roger Williams.

Roger Williams's First Few Months in New England (1631)

Roger Williams and his wife arrived in New England on February 5, 1631. Massachusetts Bay Governor John Winthrop recorded the event in his journal, noting that Roger Williams was "a godly minister."[25] Evidently Winthrop did not realize at that time the extent of his political and religious differences with Williams. The initial good feeling of Winthrop and other officials toward the newcomer diminished when Williams declined an offer to join the Boston church and become its teacher. Williams explained, decades later, that "I conscientiously refused [the Boston ministerial position] and withdrew to Plymmouth, because I durst not officiate to an unseperated people, as upon Examination and Conference, I found them to be."[26] In other words, Williams, who was by 1631 a Separatist, objected to Massachusetts Bay's continuing ties to the Church of England.

Although Williams rejected the position in the Boston congregation, the church at Salem (which was within the jurisdiction of the Colony of Massachusetts Bay) offered Williams the position of teacher for its congregation (Higginson had died in 1630). The Salem offer appears to have been attractive to Williams as a result of the Separatist inclinations of Endecott and Skelton. It is also possible that Williams had known Endecott back in England: both had associations with Sir Edward Coke as early as 1617.[27] Endecott had earlier requested that Williams be sent as a minister

to Salem, and that earlier offer may have been the subject of the reference by Williams in a 1629 letter to "that late new-England call . . . ."[28]

The 1631 Salem offer to Williams prompted a letter from the government in Boston to John Endecott (then a Massachusetts Bay "assistant," or executive officer, from Salem, who apparently was not present when this letter was written). Winthrop summarized the letter (which does not appear in the official governmental records) in an entry to his journal dated April 12, 1631:

> At a Court [governmental meeting] holden at Boston (upon information to the Governor [Winthrop] that they of Salem had called mr Williams to the office of a Teacher) [:] A lettre was written from the Court to mr Endecott, to this effecte that whereas mr Williams had refused to joyne with the Congregation at Boston because they would not make a public declaration of their repentance for havinge Communion with the Churches of Englande while they lived there, & besides had declared his opinion that the [civil] magistrate might not punishe the breache of the Sabbath nor any other offence as it was a breache of the first table[,] therefore they mervayled they would chuse him, without advisinge with the Counsell, & withall desiringe him that they would forbeare to proceede till they had conferred about it.[29]

Accordingly, in addition to the issue about religious separation from the Church of England, Williams was already articulating the position about church-state relations that would make him famous (or, in many quarters, infamous): that government should not enforce the First Table (the religious laws) of the Ten Commandments, including but not limited to punishing people who failed to attend services at the governmentally recognized

church. Winthrop's April 12, 1631 journal entry shows that Williams was already expressing his classic view of separation of church and state within nine weeks after his arrival in Massachusetts. Later suggestions that separation of church and state did not become an important issue for Williams (or for the Massachusetts Bay government in opposition to Williams) until after his banishment years later are disproved by this primary-source evidence authored by none other than the most famous governor in seventeenth-century Massachusetts Bay history.[30] Additionally, Williams's declination of the position of teacher in the Boston church is perhaps the most important example of what he later referred to as gains he gave up in New England "to keepe my Soule undefiled in this point, and not to act with a doubting Conscience etc."[31]

The historical record is not entirely clear as to what exactly happened with the Salem church's offer to Williams. However, it appears that the deal fell through as a result of pressure from the Boston officials. As the editors of the *Winthrop Journal* aptly remarked, "[t]he magistrates were intervening for the first time in the affairs of a covenanted church."[32] It would not be the last.

Plymouth (1631-33)

Although Williams may have resided in Salem for a few months during 1631, he was living in Plymouth later that year.[33] The fact that Plymouth was outside the jurisdiction of Massachusetts Bay (see Map 1) as well as the fact that the very premise of the Plymouth settlement was separation from the Church of England were probably important motivations for Williams's decision to relocate there.

Williams spent about two years in Plymouth. William Bradford, who was governor of Plymouth when he arrived, later

wrote that Williams was "a man godly and zealous, having many precious parts but very unsettled in judgment . . . ." Bradford said that Williams "exercised his gifts amongst them and after some time was admitted a member of the church." Bradford's vague remarks about Williams included the somewhat cryptic statement: "And his teaching well approved, for the benefit whereof I still bless God and am thankful to him even for his sharpest admonitions and reproofs so far as they agreed with the truth." Bradford wrote that during 1633 Williams "began to fall into some strange opinions, and from opinion to practice, which caused some controversy between the church and him. And in the end some discontent on his part, by occasion whereof he left them something abruptly." Bradford recalled that "for a time the church here went under some hard censure by his occasion from some [apparently in Massachusetts Bay] that afterwards smarted themselves. But he is to be pitied and prayed for; and so I shall leave the matter and desire the Lord to show him his errors and reduce him into the way of truth and give him a settled judgment and constancy in the same, for I hope he belongs to the Lord, and that He will show him mercy."[34]

The manuscript of Bradford's history of Plymouth was lost for an extended period of time and was not published until the nineteenth century. Meanwhile, his nephew, Nathaniel Morton (1613-85), published, in 1669, a book entitled *New-England's Memoriall*, which was based, in part, on Bradford's then-existing manuscript (Bradford died in 1657). Morton's father had died in 1624, and Morton then moved into Bradford's household. As an adult, Morton had ready access to Plymouth governmental documents, because he was Secretary/Clerk of that colony from 1645 until his death in 1685. As historian Eugene Aubrey Stratton has observed, "In [Morton's] writings he showed himself to be a very orthodox member of his community, and he was most intolerant of anyone holding views different from his own."[35]

Morton's account of Roger Williams was not as respectful as that of his pious uncle. Although Morton was only a teenager at the time of Williams's sojourn in Plymouth, he had strong opinions about what he termed "the great and lamentable Apostacy of Mr. *Williams*" then and later. With regard to Williams's residence in Plymouth, Morton wrote that Williams was initially "well accepted as an assistant in the Ministry to Mr. *Ralph Smith*, then Pastor of the Church there, but by degrees venting [expressing] of divers [various] of his own singular opinions, and seeking to impose them upon others, he not finding such a concurrence as he expected, he desired his dismission to the Church of *Salem* . . . ."[36] Morton did not provide any specifics about Williams's opinions in Plymouth.

Although neither Bradford nor Morton described the unorthodox opinions Williams expressed in Plymouth, Williams himself wrote that "[a]t Plymmouth I spake on the Lords days and weeke days, and wrought hard at the How [Hoe] for My Bread . . . ." He said he found Plymouth (as well as Salem later) "professing to be a seperated people in [New England] . . . and yet Communicating with the parishes in Old [England], by their members repairing on frequent occasions thether."[37] We shall later examine in greater depth Williams's dispute with the New England churches regarding their friendly associations with the Church of England and Williams's objections to the parish system (governmentally compelled church attendance at governmentally approved parish churches) in both Old and New England. For Williams, the issues of religious separation from the Church of England and separation of church and state were interrelated.

Williams's "strange opinions" (in Bradford's words) may also have included the ideas he set forth in a treatise (no longer extant) that he showed to the Plymouth governor. This treatise later became a subject of public controversy in Massachusetts Bay after

Williams returned to the jurisdiction of that colony. These issues will be discussed later in the present chapter.

During his years in Plymouth, Roger Williams began a decades-long association and friendship with Native Americans. He later recalled that he had a "Constant Zealous desire into the Natives language." He said that "God was pleased to give me a Painfull, Patient spirit to lodge with them in their filthy Smoakie holes (even whiles I lived at Plymmouth and Salem,) to gaine their Toung etc." Williams "spared no Cost toward them and in Gifts to Ousamaquin [the Pokanoket or Wampanoug sachem (chief), also known as Massasoit] and to Cawnounicus [Canonicus, the principal Narragansett sachem] . . . many years before I came in person to the Nahiganset [Narragansett]; and therefore when I came I was welcome: to Ousamaquin and that old Prince Canounicus who was most shie of all English to his last breath." Williams's remark about when he "came in person" to the Narragansett refers to the events following his 1636 banishment from Massachusetts Bay, which will be discussed later in the next chapter. Williams said "I was knowne to all the Wompanoogs and the Nagisosiks [probably Narragansetts] to be a publicke speaker and at Plymmouth and at Salem and there fore with them held as a Sachim." He added: "I could debate with them (in a great Measure) in their owne Language."[38]

Massachusetts Bay Governor John Winthrop, Rev. John Wilson (pastor of the Boston church), and others traveled in late October 1632 to Plymouth to meet with Plymouth Governor William Bradford, Rev. Ralph Smith (pastor of the Plymouth congregation), church elder William Brewster, and others, including Roger Williams. The Massachusetts visitors stayed in Plymouth for a few days. Governor Winthrop recorded in his journal that "they were verye kindly entertayned, & feasted everye daye at severall howses." On Sunday, they attended religious services, "& in the after noone, mr Roger Williams (accordinge to their Custome) proponded a Question, to which the Pastor, mr Smithe, spake briefly,

then mr Williams prophecied [expounded and applied scripture] & after, the Governor of Pl[ymouth] spake to the Question: after him the Elder, then some 2: or 3: more of the Congregation: then the elder desired the Governor of M[assachusetts] & mr Willson to speake to it which they did."[39]

Winthrop did not identify the subject or subjects discussed by the group that Sunday afternoon. Evidently, the question that Williams propounded was not sufficiently controversial to merit Winthrop's comment (he did not normally refrain from commenting on controversial matters, especially those involving Williams). Nevertheless, seven decades later, the grandson of John Cotton (the renowned Puritan minister who became Williams's most vociferous opponent) purported to know what it was all about. Cotton Mather (1663-1728) was not even born until more than thirty years after that Sunday afternoon conversation in Plymouth. John Cotton (1585-1652), his maternal grandfather, did not arrive in America until the year after the 1632 discussion, and Richard Mather, his paternal grandfather and another famous clerical figure, did not arrive until 1635. Increase Mather, his father and another well-regarded Puritan minister, was not born until 1639. Accordingly, Cotton Mather's account appears to be based on generations of gossip among anti-Williams Massachusetts religious authorities and their followers. With these caveats, it is interesting to read what Cotton Mather wrote in 1702 about the 1632 meeting in Salem:

> But there were at this time in *Plymouth* two Ministers [Ralph Smith and Roger Williams], leavened so far with the Humours of the *Rigid Separation*, that they insisted vehemently upon the Unlawfulness of calling any *unregenerate* [unrepentant] man by the name of *Good-man such an One*, until by their indiscreet urging of this Whimsey, the place began to be disquieted. The wiser People being troubled at these Trifles, they took the opportunity of Governour *Winthrop*'s being *there*, to have the thing publickly propounded in the Congregation; who in answer thereunto, distinguished between a *Theological* and a *Moral Goodness*; adding, that when *Juries* were first used in *England*, it was usual for the *Crier*, after the Names of Persons fit for that Service were called over, to bid them all, *Attend, Good Men, and True*: whence it grew to be a *Civil Custom* in the *English Nation*, for Neighbours living by one another, to call one another *Good-man such an One:* And it was pity now to make a stir about a *Civil Custom*, so innocently introduced. And that Speech of Mr. *Winthrop*'s put a lasting stop to the Little, Idle, Whimsical *Conceits*, then beginning to grow Obstreperous.[40]

Cotton Mather gave no source of his information for an event that he said occurred seventy years earlier during Governor Winthrop's visit to Plymouth.[41] The present author has not located any written source for this "goodman" story before Mather's 1702 account. Apparently, Mather obtained the story from his clerical relatives or from other gossip in the Massachusetts community. His general historical account of Williams, like the accounts of other Massachusetts historians and commentators for many generations, bristled with hostility toward Williams.[42] He did not interview such eyewitnesses as William Bradford (d. 1657), John Wilson (d. 1667), Ralph Smith (d. 1661), or William Brewster (d. 1644), because Cotton Mather was less than five years old when the last of these historical figures died. He theoretically could have interviewed Roger Williams, who did not pass until 1683, but Williams was generally barred from entering Massachusetts Bay after January of 1636, and it is quite unlikely that Cotton Mather met with him in Rhode Island or any other place. In short, Mather's "goodman" story is probably the result of mere gossip, if

not outright fabrication. Although it cannot be proved untrue (as there is no primary-source evidence of the contents of the 1632 discussion), it is unlikely to be true, at least in the form in which it is related by Mather. That said, Williams was not averse from making statements that others considered extreme or nonsensical when Williams himself was convinced of their scriptural warrant. This was especially true during Williams's younger years. It is not totally inconceivable that Williams would have made such statements about the use of the word "goodman," but any reliable historical evidence of same is nonexistent.[43]

Only one letter by Williams survives from the period of his residence in Plymouth. This is a letter he wrote to John Winthrop. Although the letter is undated, internal evidence indicates that it was probably written not long after Winthrop's October 1632 visit to Plymouth. The letter shows that Winthrop and Williams were on fairly good terms, with Winthrop apparently purchasing cattle for Williams. Much of the letter is difficult to interpret, because it was obviously based on previous communications between Williams and Winthrop—possibly during the latter's visit to Plymouth. Williams stated in the letter that he was not sure what Winthrop meant in a discussion about the proper minimum age for a church elder. Williams expressed his wish not to be an elder himself, "if the Lord please to graunt [grant] my desires, that I may intend what I long after, the natives Soules . . . ." This statement shows that at this time, in his late twenties, Williams was thinking along the line of converting Native Americans to Christianity. As we shall see later, his view on this question evolved as he aged.[44]

From Plymouth to Salem

By sometime in 1633, Williams had decided that he would prefer to live and work in Salem. Bradford noted that Williams

"afterwards sued for his dismission to the church of Salem, which was granted, with some caution to them concerning him and what care they ought to have of him."[45] Nathaniel Morton added:

> [T]hough some [Plymouth church members] were unwilling to [grant Williams's request to be dismissed to the Salem church] yet through the prudent counsel of Mr. *Brewster* (the ruling Elder there) fearing that his continuance amongst them might cause divisions, and there being then many able men in the [Massachusetts] Bay, they would better deal with him then they themselves could, and foreseeing (what he professed he feared concerning Mr. *Williams*, which afterwards came to pass) that he would run the same course of rigid Separation and Anabaptristry, which Mr. *John Smith*, the Sebaptist [one who baptizes oneself] at *Amsterdam* had done; the Church of *Plimouth* consented to his dismission, and such as did adhere to him were also dismissed, and removed with him, or not long after him to *Salem*."[46]

We have no way of verifying the factual accuracy of this later addition by Morton to Bradford's narrative. Williams had obviously become controversial in Plymouth, and perhaps Elder Brewster did persuade Plymouth church members to let him leave for Salem. But Williams's problems in Plymouth were minor compared to what he was about to encounter upon returning to the jurisdiction of Massachusetts Bay.

Roger Williams moved from Plymouth to Salem, a community within the jurisdiction of the Massachusetts Bay government (see Map 1), sometime in 1633. During his years in Salem, as at Plymouth earlier, he supported himself and his family by farming.[47] He also established a trading business involving the Native Americans and English and used Boston as a market and port for

that purpose.[48] He assisted the Salem pastor, Samuel Skelton, but did not initially have any official position in the church.[49]

On September 4, 1633, two very influential Puritan ministers, John Cotton and Thomas Hooker, arrived in Massachusetts Bay from England. Governor Winthrop and his council "called the ministers and elders of all the Churches to consider" in which churches Cotton and Hooker should be placed. It was decided that Cotton should be at the Boston church. John Wilson was already the pastor of the Boston church, and Cotton became its teacher in October. Hooker soon became the pastor of the Newtown (Cambridge) church (see Map 1).[50]

The ministers from the various Massachusetts Bay towns began meeting every two weeks at one of their houses. Skelton and Williams in Salem took exception to this practice, fearing that it might grow in time to a presbytery or other form of control over the liberties of the individual churches.[51] Under the Congregational theory of New England Puritanism, each individual congregation was supposed to be independent and free from control by other congregations. Specifically, each congregation was separately "covenanted" with God and was supposed to have power to ordain and select its own ministerial personnel. This was in stark contrast to the practices in the Roman Catholic church, the Church of England, and the Presbyterian Church, where the pope, the bishops, and the regional presbyters, respectively, ordained the clergy on a theory of apostolic succession (the belief that priests and ministers should be selected in an unbroken line of succession from the first apostles) and often appointed them to particular parishes. Endecott, Skelton, and Williams had already seen the Massachusetts Bay civil magistrates violate the Congregational principle by pressuring the Salem church not to install Williams as their teacher in 1631. Such governmental pressure against an individual church was not consistent with the principles of Congregationalism as understood by Williams. This

departure from Congregational principle now seemed to be augmented by the joint meetings of ministers from different communities, especially now that the famous Puritan ministers John Cotton and Thomas Hooker were in the group.[52] Of the seven churches in Massachusetts Bay in 1933, only the Salem church had not been founded as a result of the 1630 Great Migration led by John Winthrop.[53] Considering the recent history, it was not unreasonable for Endecott, Skelton, and Williams to fear that the emerging church-state partnership, under the forceful leadership of Cotton and Hooker, would impose its collective will on individual churches and persons. As we shall see, this is exactly what happened.

Roger Williams Supports Amerindian Rights against the King's Patent

In a December 27, 1633 entry in his journal, Winthrop discussed a treatise that Williams had written during his residence in Plymouth and had given to the Plymouth governor. This book was apparently never printed and has not survived. Winthrop somehow learned of this work and, after Williams returned to the jurisdiction of Massachusetts Bay, asked him for a copy of it. Winthrop wrote that Williams's treatise questioned the right of the colonists to the lands they possessed and argued that claiming by the king's grant was insufficient. Rather, according to Williams, the only proper mode of acquisition was to compound with the Native Americans, that is, to purchase the land from them or otherwise obtain the land with their consent. Upon reading Williams's book, Winthrop and other Massachusetts civil magistrates consulted "some of the most juditious [religious] ministers," who "muche condemned" Williams's position. The magistrates ordered Williams to appear at the next Court (governmental meeting) "to be Censured &c."[54]

Winthrop said there were chiefly three passages in Williams's lost treatise about which "they" (the ministers, the magistrates, or both) "were muche offended": (1) that King James I told a solemn public lie when, in his patent (apparently the November 3, 1620 predecessor of both the 1629 Massachusetts Bay and 1630 Plymouth charters),[55] he blessed God that he was the first Christian prince who had discovered this land, (2) that King James and others committed blasphemy when they called Europe "Christendom" or the "Christian world," and (3) that the present King Charles I was a subject of prophecies in the New Testament book of Revelation about the associations of kings with the devil.[56]

On January 3, 1634, Winthrop wrote to John Endecott, then absent from Boston, to inform him about Williams's lost treatise and to adduce various arguments against the positions Williams took in that work.[57] Winthrop offered counterarguments to the three arguments listed above, but these counterarguments were superficial and nonresponsive to what we know from later writings were Williams's essential positions on these issues. Winthrop also addressed Williams's arguments about, in Winthrop's words, "our title to what we possess . . . ." Winthrop argued that Williams was wrong in assuming that the title was based on religious grounds or that the king claimed any right on the ground of his Christianity. Winthrop nevertheless ultimately resorted to a religious rationale in his closing remarks:

> But if our title be not good, neither by Patent, nor possession of these parts as *vacuum domicilium* [the doctrine that settlers could legally and morally occupy empty lands], nor by good likinge of the natives: I mervayle [marvel] by what title mr. W[illia]ms him selfe holdes, and if God were not pleased our inheriting these parts, why did he drive out the natives before us? and why dothe he still make roome for us, by deminishinge them as we increase? why hathe he planted his Churches heere? why dothe he declare his favourable presence amonge us by makinge his Ordinances effectuall to the savinge of many soules? If we had no right to this lande, yet our God hathe right to it, and if he be pleased to give it us (takinge it from a people who had so long usurped upon him, and abused his Creatures) who shall controll him or his termes? But this point will require a partic[ular] Treatice.[58]

Most New England Puritan political and religious leaders held that God had cleared the land for their settlements by eliminating many of the Native Americans through disease. We now know that the epidemics among American Indians were caused by their exposure to diseases brought by European traders and settlers. Unlike Europeans, the Native Americans had not built up any immunity to these diseases, having never earlier encountered them. The conclusion that this was God's will was a convenient justification for many religiously obsessed and economically self-interested seventeenth-century Puritans, but this view was not accepted by Roger Williams, and it was later disproved by modern etiological and epidemiological medical science. Moreover, not all Native Americans perished from these diseases. Later discussions in this book will address the conflicts that occurred during many of the ensuing years and decades between the English settlers and the surviving aboriginal inhabitants.[59]

King James I's November 31, 1620 Great Patent of New England ("Great Patent") appeared, as observed above, to have been one of the subjects of Williams's lost treatise.[60] This patent or charter contained several provisions that Williams would have found objectionable. Some of these were mentioned by Winthrop. It is possible that other provisions, not mentioned by Winthrop, were

also problematic for Williams, based on the positions he took in later writings.

First, the Great Patent began with customary language describing James I as, among other things, the "Defender of the Faith."[61] Williams would have objected to this title, though realistically there was nothing he could do about it. He later went on record opposing the title "Defender of the Faith" for the English monarchs, because it had been initially given by a Roman Catholic pope to King Henry VIII as a result of Henry's treatise opposing the theology of Martin Luther before Henry broke from Rome.[62] Additionally, as we shall see, this title was inconsistent with Williams's principle of separation of church and state.

The Great Patent defined all lands between forty and forty-eight degrees north latitude, "from sea to sea, with all the seas, rivers, islands, creeks, inlets, ports, and havens, within the degrees, precincts, and limits of the said latitude and longitude" as "the limits, and bounds, and precincts" of the colony to be called "New England, in America . . . ." It alleged that a "plague, together with many horrible slaughters and murders," had depopulated "that whole territory . . . ." It attributed the plague to the will of God, signifying that "the appointed time is come in which Almighty God, in his great goodness and bounty towards us, and our people, hath thought fit and determined, that those large and goodly territories, deserted as it were by their natural inhabitants, should be possessed and enjoyed by such of our subjects and people, as heretofore have, and hereafter shall, by his mercy and favor, and by his powerful arm, be directed and conducted thereto . . . ." James stated that he had decided "to second and follow God's sacred will" and that such a divine project "tendeth to the reducing and conversion of such savages as remain wandering in desolation and distriss, to civil society and christian religion, to the enlargement of our own dominions and the advancement of

the fortunes of such of our good subjects as shall willingly interest themselves in the said employment . . . ."[63]

This, of course, was a breathtaking claim, interfering with the many settlements of Native Americans that had survived—and would survive—the epidemics brought by the Europeans. These indigenous peoples were, from the perspective of the patent, to be reduced to civil society and converted to Christianity. The patent did not recognize that the surviving American Indians had any land rights of any kind. In contrast, it carefully excepted any lands "actually possessed" or "inhabited" by "any other christian prince or state" as well as "the bounds, limits, or territories of that southern colony, heretofore, by us, granted to be planted by divers of our loving subjects in the south parts [Virginia]."[64] And, significantly, it required all visitors to New England to take the oath of supremacy—the oath that recognized the English king as the head of the established church.[65]

Roger Williams strongly opposed all of the foregoing provisions of the Great Patent. He saw that they reflected the prevailing mentality among the English settlers. In his famous work on Native American language and culture, he remarked:

> The *Natives* are very exact and punctuall in the bounds of their Lands, belonging to this or that Prince or People, (even to a River, Brooke) &c. And I have knowne them make bargaine and sale amongst themselves for a small piece, or quantity of Ground: notwithstanding a sinfull opinion amongst many that Christians have a right to *Heathens* Lands . . . .[66]

Williams advocated for Native American rights again and again during the following decades. But the tragic dimensions of the conflict often resulted in his siding with the English when war actually broke out between Native Americans and English settlers.

Notwithstanding Williams's pleas for moderation and understanding, wars between Americans of European descent and Native Americans were to occur repeatedly during the following 250 years of American history.

We return then to Winthrop's specific allegation that Williams's lost treatise "Chargeth Kinge James to have tould a solemne publicke lye: because in his Patente he blessed God that he was the first Christian Prince that had discovered this land."[67] We do not know whether these were Williams's actual words, but the Great Patent did acknowledge "the continuance of God's divine blessing" with regard to the existing English settlers, and it thanked "his Divine Majesty, for his gracious favor in laying open and revealing [the land constituting New England] unto us, before any other christian prince or state . . . "[68] As discussed above, it also asserted that God had deliberately cleared the way for English possession of that territory by decimating the Native Americans with disease.[69] All of this was, to Williams, a lie, because it was quite presumptuous for the Puritans to assume that God had so blessed this form of English imperialism. Williams objected to King James's basing his title to New England "and bestowing it on his Subjects by vertue of his being a *Christian King*, etc."[70]

In a work published in 1652, Williams referred to "the *sinne* of the *Pattents*, wherein *Christian Kings* (so calld) are invested with Right by virtue of their *Christianitie*, to take and give away the *Lands* and *Countries* of other men . . . ." He observed that "these thoughts so deeply afflicted [his] Soule and Conscience" before his banishment "that at last he came to a perswasion, that such sinnes could not be *Expiated*, without returning againe into *England*: or a publike acknowledgment and Confession of the Evill of so and so departing . . . ." Williams stated that "he drew up a Letter (not without the *Approbation* of some of the *Chiefe* of *New-England*, then tender also upon this point before *God*) directed unto the *King* himselfe, humbly acknowledging the *Evill* of that

part of the *Patent* which respects the *Donation of Land*, &c." The ruling powers suppressed the letter, and this was one of the issues that caused the governing authorities to banish him.[71]

It is not absolutely clear whether the letter that Williams mentioned in 1652 was the same as the lost treatise or whether he wrote it later. From the context, it appears that it was a separate document written shortly before his 1635-36 banishment, but this conclusion cannot be definitively established from the available historical evidence.

John Cotton, the teacher of the Boston congregation, became the principal intellectual, political, and religious opponent of Roger Williams from shortly after Cotton arrived in New England in September of 1633 until his death in 1652. Cotton was one of the ministers whom Winthrop consulted about Williams's lost treatise,[72] and we shall see that Cotton was also involved, at least indirectly, with the proceedings leading to Williams's banishment in 1635-36. Cotton later wrote that Williams "pressed upon the Magistrates and People, [that they should] be humbled for from time to time in dayes of solemne Humiliation, and to returne the Patent back againe to the King." Cotton responded to Williams's arguments by saying that "[a] little before our coming [to New England], God had by pestilence, and other contagious diseases, swept away many thousands of the Natives, who had inhabited the Bay of *Massachusetts*, for which the Patent was granted." According to Cotton, "[i]t was answered to [Williams], first, That it was neither the Kings intendement, nor the *English* planters[‘] [settlers'] to take possession of the Countrey by murther of the Natives, or by robbery: but either to take possession of the voyd places of the Countrey by the Law of Nature, (for *Vacuum Domicilium credit occupanti*:) or if we tooke any Lands from the Natives, it was by way of purchase, and free consent."[73]

Cotton reported that "[t]his answer did not satisfie Mr. *Williams*, who pleaded, the Natives, though they did not, nor could subdue

the Countrey, (but left it *vacuum Domicilium*) yet they hunted all the Countrey over, and for the expedition of their hunting voyages, they burnt up all the underwoods in the Countrey, once or twice a yeare . . . ." In England, the king and other great landholders owned large tracts of land that they did not use except for hunting, and ordinary people were forbidden to use those lands for agriculture, pasturage, or even hunting. Williams used that familiar example to argue, according to Cotton's summary, that "as Noble men in *England* possessed great Parkes, and the King, great Forrests in *England* onely for their game, and no man might lawfully invade their Propriety [property]: So might the Natives challenge [claim] the like Propriety [property] of the Countrey here."[74] It was a remarkable argument. Cotton replied with a number of specious objections, including, "We did not conceive that it is a just Title to so vast a Continent, to make no other improvement of millions of Acres in it, but onely to burn it up for pastime."[75] Essentially the same argument could have been used against the English king and nobles. In fact, similar arguments were used less than twenty years later by the socialist Diggers advocating land reform in England.[76]

Cotton and the magistrates saw, however, an existential threat to the Massachusetts Bay colony with Williams's conscientious proposal: "But these Answers not satisfying [Williams], this was still pressed by him as a Nationall sinne, to hold to the Patent, yea, and a Nationall duty to renounce the Patent: which to have done, had subverted the fundamentall State, and Government of the Countrey."[77]

In discussing the causes of his banishment, Williams approved the following summary of his position on this issue by one of the magistrates at his trial: "That we have not our Land by Pattent from the King, but that the Natives are the true owners of it, and that we ought to repent of such a receiving of it by Pattent."[78]

It appears from the foregoing that a discussion that had started with the 1620 Great Patent of King James I had developed into a discussion about the exact status and legitimacy of the 1629 Massachusetts Bay charter. Williams took a moral and religious position that was anything but practical for the Massachusetts Bay Puritan regime. The government in Boston was already on shaky ground with the English government in London, and challenging the very charter that gave the Colony of Massachusetts Bay its legal existence was the last thing the Massachusetts Bay magistrates were prepared to do. From a moral perspective, Williams's analysis was correct. But Williams's impractical suggestion was in conflict with the prevailing temper of his culture, and his position on this subject was one of the principal causes of his forthcoming banishment. It was not the only cause.

"Christendom" and "Christian World"; the King and the Devil

As observed above, Winthrop also wrote in his journal and in his letter to Endecott that Williams's lost treatise maintained that King James and others committed blasphemy when they called Europe "Christendom" or the "Christian world."[79] Since neither the 1620 Great Patent nor the 1629 Massachusetts Bay charter used this terminology, it appears that Williams was referring generally to commonplace statements by English monarchs and others during the preceding years, decades, and centuries. Here was another issue that was to preoccupy Williams for the remainder of his lifetime—an issue that the Massachusetts Bay clerical and political leaders were scarcely able to understand, let alone accept Williams's position on it.

We may be in a somewhat better position than Williams's contemporaries to understand what he meant. During the nineteenth, twentieth, and early twenty-first centuries, certain

politically active religious movements sought to have the United States declared—officially, if possible, but at least unofficially—a "Christian nation." This was an attempt to reverse the church-state separation principles and achievements of such great Founders as Thomas Jefferson and James Madison. Roger Williams, who was more religiously devout than just about anyone living in later centuries, opposed all attempts to call a particular nation "Christian," just as he opposed the terms "Christendom" and "Christian world." His arguments included a profound analysis of the importance of separation of church and state as well as a deep religious understanding of what Christianity is.

Williams considered the fourth-century merger of Christianity and government by the Roman Emperor Constantine to have been the triumph of Antichrist: "all may see how since the *Apostacie* of *Antichrist*, the *Christian World* (so called) hath swallowed up *Christianity*, how the *Church* and the *civill State*, that is the *Church* and the *World* are now become one *flocke* of *Jesus Christ* . . . ."[80] "The unknowing zeale of *Constantine* and other Emperours, did more hurt to *Christ Jesus* his Crowne and Kingdome, then the raging fury of the most bloody *Neroes*." Nero, on behalf of the pagan Roman state, had earlier persecuted Christians, who remained "sweet and fragrant, like spice pounded and beaten in morters: But those *good* Emperours [Constantine and his successors, who adopted Christianity as the official state religion], persecuting some erroneous persons, *Arrius*, &c. . . . and maintaining their *Religion* by the materiall Sword, I say by this meanes, *Christianity* was *eclipsed*, and the Professors of it fell asleep . . . . *Babel* or *confusion* was usher'd in, and by degrees the *Gardens* of the *Churches* of *Saints* were turned into the *Wildernesse* of whole *Nations*, until the *whole World* became *Christian* or *Christendome*, *Revel.* 12 & 13."[81]

Williams's citations, in this context, to the New Testament book of Revelation also provide a clue to the modern reader as to why his lost treatise associated King Charles I with the devil. It was

precisely the king's continuing merger of church and state, along with his government's persecutions of persons who did not conform to the established Church of England, that was, to Williams, the fulfillment of the millenarian prophecies of Revelation. Winthrop told Endecott that Williams's lost treatise included citations to Revelation 13 and 17:13 in support of his allegation that Charles I was the subject of those prophecies.[82] Williams cited Revelation 13 in the passage of his *Bloudy Tenent* quoted in the immediately preceding paragraph. Later in that work, Williams cited Revelation 17:13 in concluding that "all those *Nations* that are guilded over with the name of *Christ*, have under that *mask* or *vizard* (as some *Executioners* and *Tormentors* in the *Inquisition* use[d] to torment) persecuted the *Lord Jesus Christ*, either with a more open grosse and bloody, or with a more subtle, secret and gentle violence."[83] Here, Williams specifically objected to nations calling themselves Christian, a principle that has special resonance with our own time.[84] For Williams, "no *whole state*, *kingdome*, *City*, or *Town* is *Christian* in the new *Testament*."[85]

Williams's religious, as well as secular, arguments in support of separation of church and state will be discussed further in this and later chapters of the present book.

The Illusory Resolution of the 1633-34 Controversy regarding the Lost Treatise

Governor Winthrop asked Salem political leader John Endecott to deal with Williams and make him retract what he had written in the lost treatise. Endecott "returned a verye modest & discreet answeare," but Williams himself wrote to the governor, professing his intention to have only written for the private satisfaction of the Plymouth governor without any purpose to have proceeded any further, except that Williams had complied when Winthrop had required him to produce a copy of his treatise for the perusal

of the Massachusetts magistrates and ministers. According to Winthrop, Williams offered "his booke or any parte of it to be burnt . . . ."[86]

In January of 1634, Governor Winthrop and his council met with John Cotton and John Wilson, the teacher and pastor, respectively, of the Boston church, "& further Consideringe of the aforesaid offencive passages in [Williams's] booke (which beinge written in verye obscure & implicate [implicit, intricate, or esoteric] phrases, might well admitt of doubtfull interpretation) they fonde [found] the matters not to be so evill as at first they seemed: whereupon they agreed that upon his retractation &c: & taking an oath of Aleageanance to the Kinge it should be passed over."[87] Winthrop reported that Williams appeared privately at the next Court and gave satisfaction of his loyalty, "so it was left & nothinge doone in it."[88] But by the end of the following year, some of these issues reappeared, along with others, to result in Williams's banishment from the colony of Massachusetts Bay.

Veils and Flags

In March of 1634 a dispute arose at a Boston church lecture over whether the New Testament required women to wear veils. John Cotton argued that scripture did not require veils. John Endicott disagreed, citing the apostle Paul.[89] Some later historians assumed that Roger Williams was the instigator behind Endecott's position on veils.[90] Although no contemporaneous evidence exists to support this conclusion, it is true that Williams stated, decades later, that "the holy spirit of God . . . commands the vailings of Women (especially in Christian Meetings)."[91] It must be admitted that Williams, who always deferred to scripture (or, more precisely, to his own understanding of scripture), was no feminist in our sense of the term. But Endecott, who supported veiling of women before Williams even arrived in New England, was

probably more influenced by Samuel Skelton, the Salem pastor, who also had advocated the veiling of women before Williams arrived.[92] The veil controversy is an example of how seriously, and often literally, the seventeenth-century Puritans took their Bible.

During this year the Massachusetts Bay authorities were jolted out of their complacency by demands from the English government that it return the original of its 1629 charter and by rumors that England had appointed a governor general to rule over New England. In a fit of religious and moral passion, Massachusetts had earlier expelled the incorrigible but politically influential Thomas Morton, who, upon his return to London, had advocated such coercive actions against the colony and was now bragging about his alleged accomplishments along this line in correspondence with a New England resident. The Massachusetts Bay government evaded the demand for return of the patent but was worried that its days of relative independence from English control were numbered. It strengthened its fortifications and was prepared to resist by force the imposition of strict English rule and Church of England conformity on the colony. As a result of the vicissitudes of fortune, the day of reckoning for the Massachusetts Bay theocracy did not actually arrive until many decades later, but in 1634 it appeared that the forcible dismantling of the New England Way might be imminent.[93]

It is within this ominous political context that the final historical drama of Roger Williams's years in Massachusetts Bay now unfolded.

It started, predictably, with a passionate act by the ever-excitable John Endicott. The English flag contained a red cross. In pre-Reformation times, the pope had given the red cross to the English monarchs as a symbol of victory. Accordingly, as Winthrop put it, some Puritans considered the red cross in the English flag as "a superstitious thinge & a relique of Antichriste." Sometime in the late autumn of 1634, Endecott became so inflamed by this

Puritan notion that he cut the red cross out of the English flag at Salem. This impulsive act terrified some of the magistrates "as fearinge it would be taken as an Acte of rebellion, or of like high nature in defacinge the kinges Coulors [flag]."[94] Under the then-current political circumstances discussed above, that was an obviously reasonable concern.

The assistants (Massachusetts governmental officials) discussed the incident with some of the religious ministers on November 27, 1634. They decided to write to Emmanuel Downing, an attorney in England (Winthrop's brother-in-law) who often represented their interests before the English government. They instructed Downing that, if appropriate, he could explain to the English officials that they intended to punish the offenders. Although they were doubtful about the use of the cross in a flag, they considered that the manner in which Endecott had acted was unlawful.[95]

At the request of the governor and assistants, most of the Massachusetts Bay ministers met at Boston on January 19, 1635, to consider two questions: (1) what the colony ought to do if a general governor should be sent out of England, and (2) whether it was lawful (in a religious sense) for the colonists to carry the cross in their banners. They all agreed that if a general governor were sent, the colony ought not to accept him but rather defend their possessions (if they were able) or, alternatively, attempt to avoid or protract the matter. The ministers were divided about the cross issue and accordingly deferred it to another meeting.[96]

At a March 4, 1635 meeting of the General Court, the majority voted "that the act of Mr Endicott, in altering the crosse in the ensigne [flag] att Salem, shalbe referd for heareing & determineing thereof till the nexte General Court."[97] Winthrop explained in his journal that the reason for the postponement was that many agreed with Endecott's position.[98]

On May 6, 1635, a commission chosen to consider the matter reported to the General Court that "they apprehend that [Endecott] had offended therein many wayes, in rashnes, uncharitablenes, indiscrecion, & exceeding the lymitts of his calling . . . ." Therefore the Court admonished Endecott and disabled him from holding any office in the commonwealth for a year.[99] Winthrop said that the Court declined any heavier sentence because "they were persuaded he did it out of tendernesse of Conscience, & not of any evill intente . . . ."[100] Although Endecott was accordingly disciplined, the dispute was not resolved. Endecott's view eventually prevailed, and the English flags flown in Massachusetts lacked the red cross for most of the remainder of the seventeenth century.[101]

No contemporaneous evidence exists that Roger Williams had anything to do with the flag issue. Winthrop never mentioned any involvement by Williams, and the official governmental records of Massachusetts Bay mention only Endecott, not Williams. Nevertheless, many historians followed William Hubbard[102] in making Williams the instigator of Endecott on this as well as the veil issue. The prevailing view has been that Endecott was merely Williams's puppet—a strange disparagement of so strong a personality as Endecott, who was infamous for his many rash and emotional acts, especially those motivated by religious zeal and intolerance, both before and after his association with Williams.[103] Hubbard was about thirteen years old and living in England at the time of the flag incident. His *General History of New England*, which greatly contributed to a Massachusetts historical meme of blaming Williams for everything that went wrong in Massachusetts Bay during his residence there, was not published until more than forty-five years after the incident. It is quite possible that Williams, like Winthrop,[104] agreed with Endecott on the impropriety of the red cross in the English flag, though any primary-source evidence of same is absent from the historical records. It is unlikely, given the historical record of Endecott's religiously passionate and

otherwise impulsive actions, that Williams instigated Endecott's act or even inspired it. Neither Hubbard nor anyone else has cited any contemporaneous evidence that Williams had anything to do with it.[105]

Patent Revisited; "Antichristian" Protestants; Oaths

But although Williams may not have been the hidden hand behind the veil and flag issues, he definitely was involved in some other significant controversies at this time. In late November of 1634, Winthrop was informed that "mr williams of Salem had broken his promise to us in teaching publicly against the kings Patente & our great sinne in clayminge right thereby to this contrye &c: & for usual terminge the Churches of Eng[l]and Antichristian we granted summons to him for his appearance at the next Court."[106] Neither Winthrop's journal nor the extant official records mention any appearance by Williams at any subsequent governmental meeting before April of 1635.

In an April 30, 1635 journal entry, Winthrop wrote that "[t]he Governor & Assistandes sent for mr williams the occasion was for that he had tought publicly that a magistrate ought not to tendre an Oathe to an unregenerate [unrepentant] man: for that we thereby have Communion with a wicked man in the worshipp of God: & cause him to take the name of God in vaine . . . ." Williams "was heard before all the ministers & verye cleerly confuted: mr Endicott was at first of the same opinion: but he gave place to the Truethe."[107] There is no corresponding comment in the official records regarding this appearance.

This issue had arisen the previous year, when the General Court had imposed a loyalty oath that was required to be taken by all male residents of the colony above the age of twenty years who were not freemen. A somewhat different loyalty oath was required

to be taken by freemen. These oaths contained significant references to God. For example, the resident's oath began, "I doe heare sweare, and call God to witnes . . . ." It concluded: "Soe helpe mee God." The freeman's oath began, "I, A. B., being, by Gods providence, an inhabitant & ffreeman within the jurisdiccion of this commonweale, doe freely acknowledge myself to be subject to the government thereof, & therefore doe heere sweare, by the greate & dreadfull name of the everlyveing God . . . ." It made reference to "the sight of God" and concluded: "Soe helpe mee God, in the Lord Jesus Christ."[108] On March 4, 1635, the General Court lowered the age for the required oaths to sixteen.[109]

John Cotton claimed that, as a result of Williams's opposition to the oaths, some people refused to take them.[110] This development did not, of course, endear Williams to the colony's magistrates.

In later writings, Williams explained his position on oaths at some length. He discussed not only loyalty oaths but also oaths taken in court regarding witness testimony. He approved the following statement included in what he said was a summary of the causes of his banishment by one of the magistrates: "That it is not lawfull to call a wicked person to Sweare, to Pray, as being actions of Gods worship."[111] In *The Bloudy Tenent*, published in 1644, he maintained that "an *oath*, being an *invocation* of a true or false *God* to judge in a case, is an action of a *spirituall* and *religious nature*, what ever the *subject* matter be about which it is taken, whether *civill*, or *religious* . . . ."[112]

In *The Bloody Tenent Yet More Bloody*, published in 1652 during his second return visit to England, Williams wrote he was "deeply afflicted" before his banishment when, among other things, he considered "the *unchristian Oaths* swallowed downe, at their coming forth from *old England*, especially in superstitious *La[u]d* his time and domineering."[113] Williams was referring here to the persecution of religious dissenters by Anglican Bishop (later

Archbishop) Laud through the use of what were called *ex officio* oaths. This was a procedure in which a person was required to take a religious oath to answer truthfully all questions by agents of the English government/church. Since religious oaths were taken quite seriously in the seventeenth century, it was a method to force the person being questioned to admit nonconformity to the Church of England, which was a criminal offense. The *ex officio* oath was used in the infamous Court of Star Chamber, and the right not to incriminate oneself was not recognized. This reference by Williams indicates that his opposition to the Massachusetts Bay loyalty oaths was motivated not only by his concern about requiring an unregenerate person to swear in the name of God but also by his more general opposition to merger of church and state and the persecution that inevitably resulted from such merger.

In another work published during his second return visit to England, Williams attacked the use of religious oaths in regular courts: "The provocation of the holy eyes is great in all *courts* throughout the *Nation* [England], by *millions* of legal *oaths*, which if not redressed, may yet be a fire kindled from his *Jealousie*; who will not hold him *guilt*less which taketh his name in vain."[114] He opposed the use of government-enforced religious oaths in both civil and religious affairs, including the courts of justice.[115] In an appendix regarding oaths, Williams said he did not object to Christians taking religious oaths. However, he opposed the promiscuous enforcing of oaths and spiritual covenants upon a nation "and the constant inforcing of all *persons* to practice this *Worship* in the most *triviall* and *common* cases in all Courts (together with the *Ceremonies* of *Booke*, and holding up the hand &c.)," which he regarded as "a prostituting of the *Holy Name* of the most *High* to every unclean *Lip*, and that on slight occasions, and taking of it by Millions, and so many millions of times in vaine . . . ."[116]

Williams's position regarding oaths differed from the view of religious groups that were opposed to all oaths. Although he believed that religious oaths were, in the mouths of Christians and on appropriate occasions, acceptable, he objected even in those limited circumstances to government-imposed ceremonies such as the use of the Bible in judicial and other proceedings. In fact, he lost a considerable amount of money from his mother's estate because he refused to take the ceremonial witness oath in the English Court of Chancery.[117]

Williams did not directly address how he would handle testimony in ordinary criminal and civil litigation, in which "unregenerate" persons, as well as presumably regenerate Christians, are routinely called to testify. As will be discussed in Chapter 6, however, the laws of the colony that Williams later founded provided that a solemn profession or testimony in a court of record, without any reference to God, had the same legal force as a religious oath and that someone caught lying under such circumstances would be prosecuted for perjury.[118] Such procedure does not have to have a religious component or be accompanied by a religious ceremony to be legally effective. Indeed, witnesses in U.S. federal courtrooms today may testify upon "affirmation" without any reference to religion and without any religious accouterments, and such witnesses remain subject to criminal prosecution if they commit perjury. Roger Williams would likely have approved of the current federal court procedure, which, however, is not followed in all state courts. Some states still have witness oaths that are religious (essentially Christian) in nature.

Trial

In June of 1635, the Massachusetts Bay government received what it regarded as very good news. The ship carrying the intended governor general for New England fell apart and sank in

the ocean. As Winthrop put it, "the Lorde frustrated their designe."[119] Now the Massachusetts Bay authorities felt they had a free hand, indeed divine approval, to deal with the person whom they regarded as the chief troublemaker in the colony.

The timing was impeccable, because a recent event required immediate official action. The Salem pastor, Samuel Skelton, had died in August 1634. In the summer of 1635, the Salem church selected Williams to become the teacher at that church. The colony's civil magistrates and their clerical supporters advised the church in Salem not to proceed with the appointment, but the church nevertheless chose Williams.[120]

This was the last straw for the Massachusetts Bay magistrates. They summoned Williams to appear before them. They also requested the presence of the religious ministers. The meeting occurred on July 8, 1635. The official minutes contain no reference to Williams. However, John Winthrop wrote a revealing account of the confrontation in his private journal. Winthrop was no longer governor of the colony. He had been displaced in two successive annual elections by men who were stricter than he with regard to enforcing religious conformity: Thomas Dudley (May 14, 1634 to May 6, 1635) and John Haynes (for the current annual term beginning May 6, 1635). Richard Bellingham was the deputy governor for the 1635-36 term. Winthrop was now only an assistant; the other assistants included his son (John Winthrop Jr.), Thomas Dudley, William Coddington, and six others.[121]

At the July 8, 1635 meeting, the magistrates vented their displeasure regarding the fact that the Salem church had appointed Williams to a ministerial position while Williams himself was "under Question before the magistrates & churches for diverse dangerous opinions . . . ." These "dangerous opinions" were listed as follows: (1) that the civil magistrates ought not to punish the breach of the First Table (the religious laws) of the Ten Commandments (for example, not attending services

at the governmentally prescribed church) unless the person violating those religious precepts had disturbed the civil peace; (2) that the civil magistrate ought not to tender an oath (that is, an oath with religious language) to an unregenerate man; (3) that a man should not pray with an unregenerate person even if the latter was that man's wife or child; and (4) that a man ought not to give thanks after the sacrament (Lord's Supper) nor after eating (the exact meaning of this last charge is not clear). The other churches in the colony had been about to write to the Salem church "to admonish him of these errors" when they learned that Williams had already been selected for the position.[122]

There was much debate about these matters at the July 8th meeting. "[T]he said opinions were adjudged by all magistrates & ministers (who were desired to be present) to be erronious & verye dangerous: & the Calling of him to office at that tyme was judged a great Contempte of authoritye . . . ." The upshot was that the magistrates gave Williams and the church in Salem time, until the next General Court, to consider these things "& then either to give satisfaction to the Court or els to expect the sentence." But there was more: "It beinge professedly declared by the ministers (at the request of the Court to give their advise) that he who should obstinately maintaine suche opinions (whereby a Churche might runne into Heresye, Apostacye or Tiranye, & yet the Civill magistrate could not entermeddle) were to be removed, & that the other Churches ought to request the magistrate so to do."[123]

Here, in Winthrop's private notes, we have a behind-the-scenes glimpse of the Massachusetts Bay theocracy at work. The ministers instructed the magistrates that they should "remove" anyone maintaining the "very dangerous" opinions of which Williams was (mostly accurately) accused. It is not clear what exactly "removed" meant in Winthrop's journal entry. Was this a

statement that Williams should be removed from his new position as teacher of the Salem church? Or that Williams should be removed from the colony? Or that anyone supporting Williams's position should be removed from governmental meetings or from the colony itself? Or all of the above? The bandying about of such words as "heresy" and "apostasy" was indicative of the mood of the ministers and magistrates: these were considered criminal offenses.

In explicit retaliation against Salem for its church having chosen Williams at its teacher, the Massachusetts Bay government refused an application by the Salem local government for land in Marblehead Neck claimed by that town. The Salem church then wrote letters to other Massachusetts Bay churches complaining of this retaliation. Williams probably drafted these letters or at least some of them. The Boston church elders (led, undoubtedly, by teacher John Cotton) refused to share the Salem letter with their congregation, which prompted a further response from Williams and Salem church ruling elder Samuel Sharpe. This letter noted, among other things, a "great difference between a church way, and the proceeding of a Commonweale." The Salem letters further infuriated the magistrates and their ministers. At the September 3, 1635 session of the General Court, the Salem deputies were ejected until such time as the freemen of Salem disclaimed the letters sent by church of Salem to the other churches. The General Court also voted to commit John Endicott "for his contempt in p[ro]testing against the p]roceed]ing of the Court; and, upon his submission, & full acknowledgement of his offense, hee was dismissed." This incident involved, according to Winthrop, Endecott's "protestation in justification of the Lettre formerly sent from Salem to the other Churches against the magistrates & deputyes . . . ."[124]

John Cotton later claimed that "I spent a great part of the Summer [of 1635] in seeking by word and writing to satisfie

[Williams's] scruples in the former particulars [the patent and oath issues and the issue of 'the Magistrates delay of the Petition of *Salem*'] until he rejected both our callings, and our Churches."[125] Cotton did not mention the issue of governmental enforcement of the religious laws (First Table) of the Ten Commandments, even though Winthrop had noted that as the first issue discussed in the July 8, 1635 meeting.[126] Indeed, as will be discussed later, the issue of governmental enforcement of the First Table become the central focus of the later published disputations between Williams and Cotton.

Meanwhile, apparently in late August, Williams wrote to his Salem church that he was ill and could not speak. His letter, according to Winthrop, contained "a protestation that he could not communicate with the Churches in the [Massachusetts] Baye: neither would he communicate with them [the Salem church] except they would refuse Communion with the rest . . . ." This letter, which has not survived, is said to have also alleged that the churches in the Bay "were full of Antichristian polution . . . ."[127]

It is perhaps because of Williams's illness that we find no record of his appearing before the magistrates during the next several weeks. The exact date of the final showdown between the Massachusetts Bay government and Williams is not clearly stated in either the official records or in Winthrop's journal. However, a nineteenth-century editor ascertained the date of October 8, 1635 from a personal inspection of the original records.[128] Winthrop cited only the month of October 1635 without specifying a day.[129] It is reasonable to conclude that October 8, 1635 was the exact date of the meeting.

The official minutes recorded only the result, not the discussion leading to the result:

> Whereas Mr Roger Williams, one of the elders of the church of Salem, hath broached & dyvulged dyvers newe &

> dangerous opinions, against the auethoritie of magistrates, as also written letters of defamacion, both of the magistrates & churches here, & that before any con[viction], & yet mainetaineth the same without retrac[tion], it is therefore ordered, that the said Mr Williams shall departe out of the jurisdic[tion] within sixe weekes nowe nexte ensueing, which if hee neglect to p[er]forme, it shalbe lawfull for the Gouvernor & two of the magistrates to send him to some place out of this jurisdic[tion], not to returne any more without licence from the Court.[130]

As before, Winthrop's journal filled in important details absent from the official record. He wrote that "all the ministers in the Baye beinge desired to be present, [Williams] was Charged with the said 2: Lettres, that to the Churches to Complayninge of the magistrates for injustice, extreame oppression &c: & the other to his owne churche, to persuade them to renounce Communion with all the Churches in the Baye, as full of Antichristian polution &c . . . ." Williams "justified both these Lettres, & maintained all his opinions: & beinge offered further Conference or disputation, & a monthes respitt, he chose to dispute presently, so mr Hooker was appointed to dispute with him, but could not reduce him from any of his errors . . . ." The next morning, the Court sentenced him to depart out of the Massachusetts Bay jurisdiction within six weeks, "all the ministers save one approvinge the sentence & his owne churche had him under question allso for the same cause & he at his returne home refused Communion with his owne Churche, who openly disclaimed his errors, and wrote an humble submission to the magistrates, acknowledginge their fault in joyninge with mr williams in that Lettre to the Churches against them &c."[131]

A few months later, in recognition of the excellent submission of the Salem church to the iron fist of the theocracy, the

magistrates awarded the disputed land in Marblehead Neck to Salem.[132]

Causes of the Banishment Order

Historians have argued for centuries why Roger Williams was banished from Massachusetts Bay. Some have tried to paint Williams as seditious and the banishment as necessary for reasons of state.[133] Others have been more sympathetic to Williams's side of the story.[134]

Eight years after his trial, Williams stated that the charges against him were accurately summarized at the conclusion of the trial by one of the magistrates:

> After my publike triall and answers at the general Court, one of the most eminent Magistrates (whose name and speech may by others be remembred) stood up and spake:
>
> Mr. *Williams* (said he) holds forth these 4 particulars:
>
> First, That we have not our Land by Pattent from the King, but that the Natives are the true owners of it, and that we ought to repent of such a receiving of it by Pattent.
>
> Secondly, That it is not lawfull to call a wicked person to Sweare, to Pray, as being actions of Gods Worship.
>
> Thirdly, That it is not [religiously] lawfull to heare any of the Ministers of the Parish Assemblies in *England*.
>
> Fourthly, That the Civill Magistrates power extends only to the Bodies and Goods, and outward state of men, &c.
>
> **I acknowledge the particulars were rightly summ'd up** . . . .[135]

The identity of the eminent magistrate who thus "rightly summ'd up" the case against Roger Williams has never been established. From the list of magistrates serving at the time of the trial, the

description would appear to fit either Governor John Haynes, with whom Williams later reconciled, or John Winthrop, then an assistant, who (as we shall see) continued to be a "frenemy" of Williams for a long period of time after his trial and banishment. It was Governor Haynes who, Williams later said, "pronounced the Sentence of my long Banishment agnst me,"[136] and perhaps, as a preface to the sentence, Haynes had summarized the four charges.[137] In a June 22, 1670 letter, Williams referred to Haynes as "that heavenly Man" who told Williams, sometime after Williams's banishment and after Haynes's departure for a new settlement in Connecticut, that "'I thinck Mr Williams I must now Confesse to You, that the most wise God hath provided, and cut out part of his World for a Refuge and Receptacle for all sorts of Consciences. I am now under a Cloud and my bro[ther] Hooker with the Bay (as you have bene). We have remooved from them thus farr and yet they are not satisfied etc.'"[138] Williams understood Haynes to have experienced a change of heart about Massachusetts Bay in general and Williams's banishment in particular.

From the foregoing summary of the charges, and from Williams's reference, a few years later, to living witnesses of the magistrate's speech (thereby verifying the authenticity of Williams's account), it is clear that the October 8, 1635 trial was not limited to the issues of the letters from the Salem church and the aftermath. The first issue involved Williams's advocacy of the rights of Native Americans—issues that were to reverberate during additional centuries of American history. The second charge triggered a principle, not recognized until much later in American history (and still not recognized by all state governments), that oaths administered by government should not have a religious component. The third charge meddled with Williams's particular religious beliefs regarding Separatism—beliefs with which the Massachusetts Bay government should not

have interfered. The fourth charge directly concerned the principles of separation of church and state and liberty of conscience for which Williams fought all of his adult life. In fact, as the present chapter has elaborated, all of these charges involved, directly or indirectly, the great principles of church-state separation and freedom of conscience that ultimately became enshrined, more than 150 years later, in the First Amendment to the U.S. Constitution. Roger Williams was the first American advocate of these principles, thereby bringing down on his head the wrath and power of the Massachusetts Bay theocracy.[139]

The Final Act

Although Williams was initially given only six weeks to depart Massachusetts Bay, this deadline was extended to the spring of 1636 in view of the difficulties of winter travel. This extension was conditioned, however, on Williams's not going about to draw others to his opinions. In January of 1636 the magistrates were informed that, notwithstanding this injunction, Williams was preaching to people at his house, even on points for which he had been censured. Accordingly, in Winthrop's words, "it was agreed, to sende him into England by a shippe then readye to departe . . . whereupon a warrant was sente to him to come presently to Boston to be shipped &c." Williams responded that he could not come without hazard to his life. He was apparently speaking of his current health, but it is also true that being shipped to England would have likely meant his imprisonment, and possible death, in an English dungeon. After receiving Williams's response, the magistrates in Boston sent a pinnace (small sailing ship) with a commission to Captain Underhill and others to apprehend Williams in Salem and carry him aboard the ship bound for England. When they arrived at his house, however, they found that he had left three days earlier, "but whither, they could not learne."[140]

Decades later, after Winthrop's death, Williams recalled a significant event that occurred before he left Massachusetts Bay forever: "That ever honrd Governor Mr Wintrop privately wrote to me to steer my Course to the Nahigonset [Narragansett] Bay and Indians, for many high and heavenly and publike Ends, incowraging me from the Freenes[s] of the place from any English Claims or Pattents. I took his . . . prudent Motion as an Hint and voice from God, and (Waving all other Thoughts and Motions) I steerd my Course from Salem (though in Winter snow wch I feele yet) unto these parts, wherein I may say as Jacob, Peniel, that is I have seene the Face of God."[141]

CHAPTER 3

A New Beginning: The Founding of Providence and the Other Narragansett Bay Settlements (1636-43)

> We whose names are hereunder, desirous to inhabitt in the town of providence, do promise to subject ourselves in active or passive obedience to all such orders or agreements as shall be made for publick good of our body in an orderly way by the major consent of the present Inhabitants maisters of families Incorporated together into a towne fellowship and others whome they shall admit unto them **only in civill things.**[1]

Path to Providence

After eluding capture in Salem by agents of the Massachusetts government, Roger Williams traveled on foot in the New England wilderness for fourteen weeks "in a bitter Winter Season[,] not knowing what Bread or Bed did meane."[2] The friendships he had developed with Native Americans during his residences in Plymouth and Salem enabled him to survive. Williams's later writings indicated that the American Indians fed and sheltered him at this time of his "*great* distresse."[3] When he reached the Narragansett Bay area, he was welcomed by his friends Ousamaquin (Massasoit), who was the Pokanoket (Wampanoag) sachem, and Canonicus, who was the lead Narragansett sachem.[4]

Map 2 shows the locations of these and other Native American peoples.

Williams mortgaged his house and land in Salem to finance his relocation. He later claimed that "it is not true that I was imployed by any, made Covenant with any, was supplied by any, or desired any to come with me to these parts." He said he "desired not to be troubled with English Company. Yet out of Pity I gave leave to W[illiam] Harris then Poor and destitute to Come along in my Company. I Consented to John Smith[, the] Miller at Dorchester (banished allso)[,] to goe with me, and at John Smiths desire, to a Poore young fellow Frances Wicks[,] allso to a lad [possibly Thomas Angell] of Rich. Watermans." These were all he could remember more than forty years later. From these remarks as well as his reference to "All that came with me," it is clear that a few individuals accompanied Williams in his winter wanderings through New England in early 1636.[5]

Williams initially made arrangements with Ousamaquin to settle at a place called Seekonk (in the vicinity of the later town of Rehoboth). However, Edward Winslow, then governor of Plymouth, informed Williams that Seekonk was within the jurisdiction of Plymouth. Governor Winslow suggested that Williams move across the Seekonk River to an area in which Plymouth did not claim jurisdiction. Williams then negotiated with the Narragansett sachems, Canonicus and Miantonomi, to obtain land across the river for his new settlement, which he called "Providence." This became his permanent home. We know it today as Providence, Rhode Island. (See Maps 2-4; the Seekonk River is a southern extension of the Blackstone River.)[6]

The choice of the name Providence was, of course, no accident. As Williams later explained, "having in a Sence of Gods mercefull providence unto me in my destresse called the place providence I desired it might be for a shelter for persons destressed for Conscience . . . ."[7] On another occasion he similarly noted that

he established Providence "Especily for the Receaving of such as were Troubled Elsewhere about the worship of God . . . ."[8]

Land Acquisition

The early settlement of Providence did not proceed without complications. Williams had already settled at Seekonk and had already "begun to build and plant" there before he was notified by Governor Winslow (who, in Williams's words, was "loth to displease the Bay") that he should move across the river. Then, although Ousamaquin and Williams had agreed on the terms of his settlement at Seekonk, Ousamaquin initially objected to Williams's settling in what became Providence, saying that it was his land and therefore Plymouth's land. (Ousamaquin had allied the Pokanoket tribe with Plymouth after the Pokanokets had suffered losses from an epidemic and from war with the Narragansetts.) However, Plymouth Governor William Bradford (who succeeded Edward Winslow in that office in 1637) and others of his council disaffirmed Ousamaquin's statement, as did Canonicus, who asserted that he had rights to the land that were superior to Ousamaquin's. As Williams later testified, Ousamaquin's subsequent acknowledgement that he was Canonicus's subject, "together with [Williams's] gratuities to [Ousamaquin], and [his] brethren and followers, made him often profess, that he was pleased that I should here be his neighbor, and the rather because he and I had been great friends at Plymouth; and also because his and my friends at Plymouth advised him to be at peace and friendship with me; and he hoped that our children after us would be good friends together." In the end, both Ousamaquin and Canonicus remained on friendly terms with Williams. Furthermore, after Williams's wife, Mary, joined him in Providence, Winslow "melted, and kindly visited me at Providence, and put a piece of Gold into the hands of my Wife for our Supply." All's well that ended

well, and this episode ended with continuing friendship between Williams, on the one hand, and Ousamaquin, Canonicus, and (for the time being) the Plymouth leaders, on the other.[9]

Williams acknowledged that he had "no Pattent" (charter) from the king for Providence. Rather, he obtained the land from the Narragansetts in a manner consistent with the position on land acquisition that he had articulated in the lost treatise (see preceding chapter). He later testified that, when he came into the Narragansett country, "I found a great contest between three sachems, two (to wit, Cononicus and Miantonomy) [the Narragansett sachems on the west side of Narragansett Bay] were against Ousamaquin [Massasoit, the Pokanoket sachem] on Plymouth side [east side of Narragansett Bay], I was forced to travel between them, to pacify, to satisfy all their, and their dependents' spirits of my honest intentions to live peaceably by them." Miantonomi was Canonicus's young nephew who served as "Marshall and Executioner [person executing commands]" to Canonicus. Williams "declare[d] to posterity that were it not for the favor that God gave me with Cononicus, none of these parts, no, not Rhode-Island had been purchased or obtained, for I never got any thing out of Cononicus but by gift." When Williams referred here to "Rhode-Island," he meant the large island in Narragansett Bay (Aquidneck Island) that he later helped acquire for the settlement of Anne Hutchinson, William Coddington, and other "Antinomians" who were expelled by Massachusetts Bay in 1638.[10]

Williams spared no praise of Canonicus: "when the hearts of my countrymen and friends and brethren failed me, his infinite wisdom and merits stirred up the barbarous heart of Cononicus to love me as his son to his last gasp, by which means I had not only Miantonomy and all the Cowesit sachems my friends, but Ousamaquin [Massasoit] also, who because of my great friendship with him at Plymouth and the authority of Cononicus, consented

freely (being also well gratified by me) to the Governor Winthrop's and my enjoyment of Prudence [Island], yea of Providence itself, and all the other lands I procured of Cononicus which were upon the point, and in effect whatsoever I desired of him." We shall discuss later the acquisition of Prudence Island by Williams and Winthrop. Williams said he never denied Canonicus or Miantonomi "whatever they desired of me as to goods or gifts, or use of my boats or pinnace and the travels of my own person day and night, which though men know not, nor care to know, yet the all-seing eye hath seen it and his all-powerful hand hath helped me."[11]

Canonicus, according to Williams, "was not I say to be stird with mony to sell his land to let in Foreignrs. Tis true he recd presents and Gratuities many of me: but it was not thouhsands nor ten thouhsands of mony could have bought of him an English Entrance into this [Narragansett] Bay. Thouhsands Could not have bought of him Providence or Pawtuxit or Aquedenick [Rhode Island] or any other Land I had of him." Williams had given Canonicus and Miantonomi presents when he lived at Plymouth and Salem. He later served as their counselor in their wars with other Native Americans. "They had my person my shallop and Pinnace and hired servant at [their] Command [on] all occasions, transporting 50 at a time, and lodging 50 at a time at my howse. I never denyed them ought [anything] they desired of me." Canonicus laid out ground for a trading post at Cocumscussoc (see Maps 3 and 4) for Williams with his own hand, and Williams gave him freely whatever goods or money he desired without payment.[12]

Thus, as Williams stated later, "I was the procurer of the purchasse, not by monies nor payment[,] the natives being so shy & jellowes [jealous] that monies Could not doe it, but by that language[,] acquaintance[,] & ffavour with the natives & other advantages which it pleased God to give me . . . ." Williams "also bore the

charges & venture of all the gratuetyes [gratuities] which I gave to the great Sachims, & other Sachims & Natives round about us, & lay ingaged for a loving & pecable [peaceful] Neighbour hood with them to my great charge & Travill [travail]."[13]

As we shall see in a subsequent chapter, Williams's "Poor and destitute" traveling companion William Harris later spent decades contesting Williams's account of the settlement of Providence. Although Williams obtained from Canonicus and Miantonomi a written agreement recognizing the transfer of a defined and limited amount of land to Williams, Harris later submitted forged documents, emphatically rejected by Williams, suggesting that Canonicus and Miantonomi had actually granted a much larger area to Williams, to which Harris and his associates had allegedly become the owner.[14]

Government "only in civil things"

The study of the early history of Providence is hampered by the fact that the earliest settlers were preoccupied with survival and lacked time and even paper to record their thoughts and proceedings. Additionally, significant records were destroyed in 1676, when Native Americans burned the town during the deadly struggle known as King Philip's War. Surviving documents bear the signs of fire and (after being dumped in the mill pond) water.[15]

Sometime before August 25, 1636, Williams wrote John Winthrop to request his advice on a governmental structure for Providence, noting, however, that "the face of Magistracie" did not "suite with our present Condicion." By this time, the settlement included a "few families here planting with me." Hitherto, "the masters of Families have ordinarily mett once a fort night and consulted about our common peace, watch, and planting: and mutuall consent hath finished all matters with speede and peace." The young (apparently unmarried) male inhabitants

of Providence did not have the vote. Although the young men had promised to be subject to the orders made by the consent of the householders, they were "discontented with their estate, and seeke the Freedome of Vote allso, and aequalitie, etc." Additionally, the dangers arising from the imminent Pequot War (discussed later in this chapter) "call upon us to be Compact in a Civill way and power," in other words, to establish, by agreement ("Compact"), a more organized civil government.[16]

Accordingly, Williams wrote Winthrop that he was considering propounding to his neighbors a "double subscription, Concerning wch I shall humbly crave your helpe." By "subscription," Williams meant a formal written agreement signed by the persons agreeing to it. He proposed that "the masters of families" sign an agreement stating that they "doe with free and joynt consent promise each unto other, that, for our common peace and Wellfare (untill we heare further of the Kings royall pleasure concerning our selves) we will from time to time subject our selves in Active or passive obedience to such orders and Agreements, as shall be made by the greater number of the present Howseholders, and such as shall be hereafter admitted by their consent into the same priviledge and Covenant in our ordinarie meeting." In other words, the heads of households would decide political matters by majority rule.[17]

Williams also proposed a second subscription whereby "those few young men, and any who shall hereafter . . . desire to plant [settle] with us" sign an agreement promising "to subject our selves in active or passive Obedience to such Orders and Agreements as shall be made from time to time, by the greater number of the present Howseholders of this Towne, and such whome they shall admit into the same fellowship and priviledge."[18]

Thus, Williams's proposal did not really change the status quo. His concept was that the heads of households ("masters of families") should determine governmental matters by majority

vote. The single young men would still not have a vote but would nevertheless formally agree to be bound by the majority vote of the householders. This was not, of course, a democracy. We do not know whether Winthrop responded to Williams's inquiry, because no letters from Winthrop to Williams have survived.[19]

Williams also observed in his letter to Winthrop that the householders had previously chosen one of their group as the "officer," who would "call the meeting at the appointed Time. Now it is desird by some of us that the Howseholders by course performe that worcke, as allso gather Votes and see the Watch goe on etc."[20] It is unknown how that issue was resolved. In any event, this rudimentary form of government gave way to more complex arrangements, discussed later, after the settlement increased in population.

No record survives of any signed agreement by the heads of households. Sometime later, however, residents who were not admitted to the franchise signed the subscription that is quoted in the epigraph to this chapter. We shall call this the "nonfreemen subscription." This was similar to Williams's proposed subscription in his letter to Winthrop for the young men who were not "masters of families." A significant addition to Williams's initial draft was made in the language of the subscription form ultimately adopted: the signatories agreed to abide by the majority vote of the householders "only in civill things." This precluded the type of "Magistracie," as Williams called it in his letter to Winthrop, that governed Massachusetts Bay, whereby the civil magistrates had substantial power over religious matters.[21] It is possible that Williams always intended the qualification "only in civill things" to be included in his proposed subscriptions but that he omitted that language in his letter to Winthrop in order to avoid offending him. Alternatively, it is possible that the additional language later occurred to Williams or that the signatories to the nonfreemen subscription demanded the qualification. But

this was not a new idea for Williams. As discussed in Chapter 2, Williams had taken the position within weeks after his arrival in New England in 1631 that civil magistrates should not make or enforce religious laws. And, as observed above, he later said that he established Providence as "a shelter for persons destressed for Conscience . . . ."[22]

The nonfreemen subscription was in Roger Williams's handwriting and was probably signed between October 1638 and July 27, 1640.[23] There may appear to be an ambiguity in its reference to "the major consent of the present Inhabitants maisters of families Incorporated together into a towne fellowship and others whome they shall admit unto them . . . ." The ambiguity is resolved by the observation that the enfranchised householders used the term "inhabitants" to refer to themselves as distinguished from the unenfranchised residents.[24] The signed, final nonfreemen subscription is similar to the draft subscription that Williams had prepared for those who were not enfranchised, and its signatories included only young men, newcomers, and one person who was granted land but not the right to vote.[25] The enfranchised heads of households either signed another document, now lost, or signed no document at all.

As was true elsewhere in New England, freemanship (full citizenship with the right to vote and hold political office) was not universal. Women did not have the right to vote, and not all adult male residents were enfranchised.[26] Unlike Massachusetts Bay, however, seventeenth-century Providence never limited freemanship to church members and never had a religious test for either admission to freemanship or for political office. Similarly, no religious oath was connected with the signed nonfreemen subscription. Consistent with Roger Williams's position regarding religious oaths in governmental affairs (see Chapter 2), this document, unlike analogous loyalty oaths in Massachusetts Bay, did not contain any religious reference.

Providence had additional complicated arrangements for land distribution and freemanship. The technical details of this system and its comparison with that of other American settlements are discussed in Appendix C.

The 1640 Constitution of the Town of Providence

During the late 1630s, newcomers to Providence, according to Harris, "by the suggestions of Mr Williams and other[s] rose in a tumullt against the then peace of providence, order, & rule therin, And allsoe claymed patuxet, but when they had wearyed themselves came to arbytration . . . ."[27] The enfranchised householders appointed four arbitrators (Robert Coles, Chad Browne, William Harris, and John Warner) to resolve these disputes and devise a new constitutional system for Providence. On July 27, 1640, the arbitrators' report, called "The Combination," was entered of record into the Providence Town Book. Although The Combination was immediately effective as a result of the delegation of power of the freeman to the arbitrators, most of the adult male residents and two adult female residents of Providence signed it, including Roger Williams and including those who were not enfranchised. Persons who arrived later in Providence also signed it.[28]

The Combination consisted of twelve numbered "Agreed" articles. The word "article" does not appear in the document, but we shall use it here for convenient reference to each of the numbered "Agreed" items.

The first article attempted to define the boundary between Providence and Pawtuxet. The status and boundary of Pawtuxet was apparently one of the big issues that led to the arbitration proceeding that produced The Combination. The language of this article seems to confirm that the enfranchised householders possessed private property in Pawtuxet: the article refers to the

boundary between "those particular proprietyes: which some of our freindes and Neighbours have in pautxett" and "the Gennerall Comon of our Towne of providence . . . ." But notwithstanding The Combination's definition of the Providence-Pawtuxet boundary, that boundary and related land issues continued to be a source of dispute for decades.

The second article contained an important change in the form of government for Providence. The disposition of the lands belonging to the Town of Providence, when such lands were to be disposed, was to be accomplished by the whole inhabitants (freemen) by choosing five men (called "disposers") to make decisions about such land distribution. Henry Dorr noted, with reference to this provision, that "those who were not Proprietors were not yet voters, and it was not then foreseen that they would be."[29] The disposers were also to be entrusted with the disposal of the town's stock "and all Gennerall things . . . ." Any of the "Neighbours" (apparently meaning residents) allegedly wronged by these or any of these disposers was entitled to receive a trial at the general town meeting. This article also provided for the appointment of a town clerk to keep records of all things belonging to the town and lying in the common. The article concluded with the significant and often-quoted words: "As formerly hath benn the libertyes of the Towne: so Still to hold forth Libertye of Conscience . . . ."

Under the second article the five disposers could admit new individuals to the franchise but only after giving the other freemen six days' advance notice so that a freeman having "just cause" against the admission of the new individual could express his opposition. All future persons admitted to the franchise were required to sign The Combination.

The third article required civil disputes that could not voluntarily be resolved to be subjected to arbitration. Each side would chose two arbitrators. If the four arbitrators could not resolve

the dispute, then the majority of the five disposers would appoint three new arbitrators, who would decide the matter by majority vote. The party found to be at fault would be required to pay the arbitrators for their time. There was no provision for the losing party to appeal the arbitrators' decision. Arbitration, as distinguished from formal court proceedings, was thus the sole legal recourse in civil disputes. Articles 4-6 contained additional details relating to civil disputes and arbitration.

The seventh article stated that the five disposers "shall give every man A deede of All his Landes lieing within the boundes of the plantation [Providence] to hold it by for after ages . . . ."

Articles 8-11 specified procedures to be followed with regard to the disposers and the clerk. The disposers were to meet once a month "upon Gennerall thinges . . . ." A general town meeting would be conducted once a quarter (four times a year), wherein the persons admitted to the franchise would choose the five disposers for the ensuing quarter. It seems likely, though not certain, that the nonvoting public could attend the quarterly general town meetings. The clerk would receive set fees for each cause that came to the general town meeting for trial (appeals from decisions of the disposers but apparently not appeals from arbitrators' decisions) and for preparing individual deeds. At the end of the year, the clerk would deliver his record book to the town, and the voters would select a clerk for the following year.

The twelfth and last article of The Combination provided "[t]hat every man that hath not paid in his purchase money for this plantation, shall make up his 10 s[hillings] to be 30 s[hillings] equall with the first purchasers: And for all that are Received Townes men [freemen] hereafter to pay the like sum of money to a Towne stock." The second sentence of this provision evidently meant that persons admitted to the franchise in the future must

pay thirty shillings to the town stock, probably in exchange for a certain amount of land as well as for the voting privilege. The meaning of the first sentence is less clear, but it may have to do with individuals who had already paid ten shillings for a parcel of land being required to pay an additional twenty shillings upon admission to the franchise. Perhaps there was already a de facto practice regarding the "25 acre men" that was formalized later in the law passed in 1645 or 1646.

As a result of lost records and the fact that many transactions may have been conducted on an oral basis, it is difficult to reconstruct in detail how The Combination was intended to operate and how it actually worked in historical practice. Additionally, The Combination is not a model of clarity, especially to readers attempting to understand its language centuries later. Some of its crucial terms may have had local meanings, lost to history. The present author has given his best interpretation of the provisions of that document. Others may have alternative interpretations.[30]

The seventh article of The Combination required the disposers to give every man a deed of his lands in Providence. According to historian Sidney Rider, this provision inaugurated intense struggles over private ownership of land in the vicinity of Providence. It was no accident that William Harris, the principal instigator of future attempts to amass large private parcels of land, was one of the four persons who wrote The Combination. In his obsessive pursuit of private land ownership, by means fair or foul, Harris was more a man of the future than was Williams, who resisted such expansion. As we shall see later, Williams was intent on protecting the rights of the Native Americans who had dealt with him in good faith at the time of the founding of Providence. He also invoked Christian principles to oppose what he perceived as unmitigated greed.[31]

Roger Williams's Diplomacy in the Pequot War

Roger Williams understood that John Winthrop had certain "publike Ends" in recommending that he settle in the Narragansett Bay area.[32] Winthrop, who was sometimes more practical than his religiously doctrinaire colleagues, probably thought that Williams could assist the New England colonies in diplomatic communications with the Native Americans. Williams was fluent in one or more Algonquian dialects and had strong friendships with the Pokanoket and Narragansett sachems.

Soon after Williams settled in Providence, the Colony of Massachusetts Bay and the new English settlements in Connecticut went to war with the Pequots, located west of Providence and the Narragansetts (see Map 2). New England historians long blamed the war on Pequot aggression. A careful analysis of the historical evidence establishes, however, that Massachusetts Bay needlessly instigated the war. Massachusetts magistrates and clergy believed that the Native Americans worshipped the devil and that God accordingly intended Massachusetts to conquer them by force. Seventeenth-century New England writers formulated and propagated certain myths about the Pequots, which sympathetic historians repeated, uncritically, for many generations. Indeed, the mythology surrounding the Pequot War became a prototype of later American justifications for dispossessing Native Americans of their lands. Only in recent decades have historians seriously questioned and corrected the biased accounts propagated by ethnocentric American historians over the centuries.[33]

Roger Williams understood Algonquian culture better than any other English person of his century. This does not, of course, mean that Williams was entirely free of misconceptions about the indigenous peoples. But his sincere attempts to understand American Indians and his experience living among and trading with them brought him insights into their culture that no other English American had. Additionally, he was deeply respected

and trusted by many Native Americans, especially the principal Narragansett sachems. His perspective was, accordingly, unique, and we shall attempt, to the extent possible, to relate the story of his diplomatic activities in his own words.[34]

Sir Henry Vane the Younger, the son of a very high governmental official in England, arrived in Massachusetts Bay from England in October of 1635. Probably as a result of his important political connections, Vane was elected governor of Massachusetts Bay, at the age of twenty-three, for a term beginning May 25, 1636, and ending May 17, 1637. John Winthrop was deputy governor during this period.[35] Many of the events of the Pequot War occurred while Vane was governor. As we shall see later, Vane and Williams became close friends and shared a commitment to liberty of conscience. Vane returned to England in August of 1637 after becoming disgusted with Massachusetts Bay's persecution of Anne Hutchinson and her so-called Antinomian religious sympathizers.[36]

By late August of 1636, Massachusetts Bay was preparing for war against the Pequots. At this time Williams wrote to Winthrop that "[t]he Pequots heare of your preparations etc. and Comfort them selves in this that a witch amongst them will sinck the pinnaces by diving under water and making holes etc. as allso that they shall now enrich themselves with store of guns but I hope their dreames through the mercie of [the] Lord shall Vanish, and the Devill and his Lying Sorcerers shall be Confounded."[37] These remarks show Williams as sharing to some extent the standard Puritan view that the devil was aiding the Pequots and that God was on the side of the English. Alternatively, Williams might have been telling Winthrop what the latter wanted to hear, though such rhetorical methods do not seem, at least on the surface, characteristic of Williams. The comments also reveal, if accurate, a Pequot inclination toward combining superstition with a real practical threat. Such confounding of the imaginary and the

real was not foreign to Native religion, nor was it, in a somewhat different way, unknown to Puritanism.[38]

The Pequots did not, however, rely solely on such unlikely "sorcery" as sinking ships by the agency of purported witches. Indeed, they made every attempt to form a military alliance with their historic enemies, the Narragansetts, against the English. Such an alliance would have been quite harmful to the Massachusetts Bay and Connecticut settlers, as they would then have been vastly outnumbered by their Native American adversaries. In a letter received by John Winthrop in September 1636 (now lost), Roger Williams advised that the Pequots and the Narragansetts had entered into a truce and that Miantonomi had told him that the Pequots had attempted to persuade the Narragansetts that the English were minded to destroy all Indians.[39]

Williams received letters, now lost, from Governor Vane and his council requesting Williams "to use my utmost and Speediest Endeavours to breake and hinder the Leauge laboured for by the Pequts," that is, a Pequot-Narragansett alliance. Williams immediately left Providence in a canoe and traveled alone thirty miles in stormy seas to Canonicus's house, where "dayes and nights my Busines forced me to lodge and mix with the bloudie Pequt Embassadours, whose Hands and Arms (me thoght,) reaked with the bloud of my Countrimen murther'd and massacred by them on Conecticut River, and from whome I could not but nightly looke for their bloudy Knives at my owne throate allso." Williams nevertheless survived and was able "to breake to pieces the Pequts negociation and Designe, and to make and promote and finish by many Travells and Charges the English Leauge with the Nahiggonsiks [Narragansetts] and Monhiggins [Mohegans] agnst the Pequts . . . ."[40] Williams had, perhaps single-handedly, defeated the proposed Pequot-Narragansett alliance and replaced it with an English-Narragansett alliance.

In October, the Massachusetts Bay government entered into a formal written alliance with Miantonomi stipulating, among other things, that neither was to make peace with the Pequots without the other's consent. As Miantonomi was not certain he understood all the terms of the treaty, the magistrates agreed to send a copy of it to Roger Williams, who could best interpret the document for the Narragansetts.[41]

Throughout the war Williams served as an agent between Massachusetts Bay and its army and also as an interpreter and source of intelligence regarding the Native Americans. He constantly received and sent letters to the magistrates in Boston. In view of Williams's services, Winthrop and "some other of the Councell motioned, and it was debated, whether or no I had not Merited not only to be recalld from Banishmnt, but allso to be honred with some Remarke of Favour. It is known who hindred who never favoured the Libertie of other mens Consciences." Williams was likely referring to John Cotton.[42]

Notwithstanding Williams's important diplomatic services on behalf of Massachusetts Bay and Connecticut during the Pequot War, the New England historians failed to mention his contribution. The theocratic animus against Williams continued for generations.[43]

Among the many communications between Williams and the Massachusetts Bay magistrates was a letter dated May 1, 1637, from Williams to Governor Vane and Deputy Governor Winthrop. Williams recalled that Canonicus, after the Narragansetts had been afflicted with a smallpox epidemic sometime earlier, had been "very sour, and accused the English and myself for sending the plague amongst them, and threatening to kill him especially." Williams noted that "[s]uch tidings (it seems) were lately brought to [Canonicus's] ears by some of his flatterers and our ill-willers." Williams responded by telling Canonicus that "the plague and

sicknesses were alone in the hand of the one God, who made him and us, who being displeased with the English for lying, stealing, idleness, and uncleanness, (the natives' epidemical sins,) smote many thousands of us ourselves with general and late mortalities." By "late mortalities" Williams was apparently referring to a smallpox epidemic that had occurred in England in the spring of 1636.[44]

After communicating military advice from the Narragansetts, Williams remarked, in the concluding paragraphs of his letter to the Massachusetts magistrates, that "it would be pleasing to all natives, that women and children be spared, etc."[45] The armed forces of Massachusetts Bay and Connecticut were not, however, inclined to spare women and children. On May 26, 1637, they attacked a fortified Pequot village at Mystic (see Map 2) and set it ablaze. Six or seven hundred Pequot warriors, women, and children were either burned alive or were murdered in cold blood by New England soldiers when trying to escape the flames. Only seven were taken prisoner, and seven escaped. The war ended that summer after the defeat of another Pequot force and the death of the Pequot sachem, Sassacus.[46]

Williams was disturbed by the English massacre of Pequot women and children at Mystic. In a letter to Winthrop, he expressed "feare that some innocent blood cryes at Qunnihticut." Refusing to share the triumphalist attitude of Massachusetts Bay, he provided a different interpretation of scriptural passages being cited by the New England victors and disagreed with "the generall speech" that "all [of the Pequots] must be rooted [out] . . ."[47] On an earlier occasion, he had written to Winthrop that "the God of Heaven delights in mercy and to draw by love and pitie then by fury, and wrath."[48] Although Williams provided diplomatic assistance to Massachusetts Bay and Connecticut in their war against the Pequots, he stood apart, as always, in his own understanding and evaluation of events.

After the war "the victors moved to obliterate the Pequots as a political and social entity. The surviving Pequots were forbidden to return to their villages or use the tribal name."[49] Pequot warriors were executed. Pequot noncombatants were distributed among the English, the Narragansetts, the Mohegans, and the eastern Niantics. Roger Williams himself requested "the keeping and bringing up of one of the children." This request was granted. Although Williams thereby acquired a Pequot servant or slave, it is unlikely that his treatment of the Pequot boy had any resemblance to the violence associated with slavery in the antebellum South. Williams stated that "I shall endeavour his good, and the common [good], in him." Williams struggled in his own mind as to how the Pequot captives generally should be treated. Consulting scripture did not provide him with an answer, since "the Scripture is full of mysterie, and the Old Testament of Types [figures or allegories]." He questioned whether slavery was appropriate, but "I beseech you [Winthrop] well weigh if after a due time of trayning up to labour, and restraint, they ought not to be set free: yet so as without danger of adjoyning to the Enemie." But such questions of conscience did not detain the Massachusetts authorities. Their slaughter of Pequot men and enslavement of Pequot women and children was not interrupted by such uncomfortable thoughts, because they assumed that the Pequots were in the service of the devil while they themselves were doing God's work.[50]

Almost twenty years later, Roger Williams observed that since the time of the Pequot War "it hath pleased the Lo[rd] So to order it that I have bene more or lesse interested and used in all the great Transactions of War or Peace between the English and the Natives, and have not spared, Purse, nor Paines nor Hazards (very many times) that the Whole Land English and Natives might sleepe in peace Securely."[51] Unlike many of his fellow Puritan immigrants, Williams did not restrict his concern to

English Americans. Notwithstanding his theological orientation, he hoped to preserve peace for the benefit of both English and Native Americans.

For many years after the Pequot War, Williams dealt with its aftermath, including many issues involving the English and the various Native American sachems, tribes, and bands resulting from that war. These postwar matters are beyond the scope of the present work, but the interested reader can consult Williams's extensive correspondence about these disputes.[52]

Prudence Island

The island that came to be known as Prudence was located in Narragansett Bay south of Providence (see Map 3). The Narragansett name was Chibachuwese or Chippacursett. Canonicus had given the island to John Oldham in 1634. Oldham was visiting Block Island (see Map 2) in July of 1636 when he was murdered by Native Americans. An investigation revealed that Narragansett under-sachems (not Canonicus or Miantonomi) were responsible for the murder, but Massachusetts Bay used the incident as a pretext for war against the Pequots, even though the murder was probably occasioned by Narragansett objections to trade between the Pequots and Massachusetts Bay.[53]

After Oldham's death, Canonicus and Miantonomi asked Roger Williams to move to the island and dwell nearer to them. As he explained to John Winthrop, Williams responded that "for present I mind not to remove; but if I have it from them, I would give them satisfaction for it, and build a little house and put in some swine, as understanding the place to have store of fish and good feeding for swine." An island was a good place for raising hogs, because such livestock could roam freely on the island without damaging crops or being attacked by wolves or other predators. Hogs could also be easily sold for profit at various markets.[54]

Having heard that Winthrop might be interested in raising hogs in some of the Narragansett Bay islands, Williams offered him an opportunity to participate in the purchase of Chibachuwese. Williams and Winthrop purchased the island from Canonicus and Miantonomi in November of 1637 "for the summe of 20 fathom of wampam and 2 coats . . . ." Wampum was the Native American equivalent of money, consisting of tubular shell beads that were normally strung together.[55] Williams also referred, a few months later, to a proposed purchase of Patmos (apparently another island in Narragansett Bay that Williams intended to rename after a Greek island), which some had "hindered." Williams observed, however, that the acquisition of neither Prudence nor Patmos was properly termed a sale, "for a thousand fatham would not have bought either by strangers. The truth is, not a penny was demanded for either, and what was paid was only gratuity, though I choose, for better assurance and form, to call it a sale."[56]

John Throckmorton purchased Williams's half of Prudence Island in April 1639. By July of 1640, however, Throckmorton was leasing the entire island from Winthrop and Richard Parker. Throckmorton had, in the meantime, apparently sold his portion to Parker and/or Winthrop.[57]

Williams also evidently acquired Patience Island, immediately northwest of Prudence Island (see Map 3), from the Narragansetts. He sold it in 1651 to Richard Scott to help finance his second return trip to England.[58]

The joint purchase of Prudence Island by Williams and Winthrop in late 1637 is another example of their strange relationship. Winthrop also apparently sent Williams provisions in early 1638.[59] Although Winthrop was partially responsible for Williams's banishment from Massachusetts Bay and although they had deep and lasting disagreements regarding liberty of conscience and separation of church and state, they remained friendly enough to have a business relationship and they continued to

correspond with each other for several years. Today, we would call them "frenemies."

Joshua Verin and Liberty of Conscience

It is unclear whether Joshua Verin was one of the persons who accompanied Roger Williams in his journey from Salem to Seekonk during the winter of 1636. However, he may have been with Williams in Seekonk and then moved with him to Providence. In any event, he was one of the first settlers of Providence. Verin is not named in the October 8, 1638 land distribution documents, probably because he was disenfranchised on May 21, 1638. He left Providence sometime between his May 21, 1638 disenfranchisement and June 10, 1638. The Town of Providence recognized his property interest in land that he had acquired before his disenfranchisement but not in land distributions made after his disenfranchisement.[60]

Joshua Verin forbade his wife, Jane, from attending religious services in Providence and beat her when she nevertheless insisted on attending such services. On May 21, 1638, the Town of Providence disenfranchised him: "It was agreede that Joshua Verin upon the breach of a covenant for restraining the liberty of conscience shall be withheld from the liberty of voting till he shall declare the contrary."[61]

Roger Williams explained the Town's decision in a letter to John Winthrop the following day:

> Sir we have bene long aflicted by a young man, boysterous and desperate [Joshua Verin] who, as he hath refused to heare the word with us (wch we molested him not for) this twelve month so because he could not draw his wife a gracious and modest woman to the same Ungodliness with him, he hath troden her under foote tyranically and brutishly: wch she and we long bearing though with his furious blowes she went in danger of Life at the last the major vote of us discard him from our Civill Freedome, or disfranchize etc. he will have Justice (as he clamours) at other Courts. I wish he might for a fowle and slanderous and brutish Cariage, wch God hath delivered him up unto. He will hale his wife with ropes to Salem, where she must needes be troubled and troublesome as differences [apparently meaning differences between Providence and Salem, which was within the colony of Massachusetts Bay, with regard to religious freedom] now stand. She is willing to stay and live with him or else where, where she may not offend etc. I shall humbly request that this Item be accepted, and he no way Countenanced untill (if need be) I further trouble you.[62]

Winthrop, as might be expected, had a much different take on these developments. Relying on another account or accounts of the situation, Winthrop wrote the following in his journal several months later:

> At Providence also, the devil was not idle. For whereas, at their first coming thither, Mr. Williams and the rest did make an order, that no man should be molested for his conscience, now men's wives, and children, and servants, claimed liberty hereby to go to all religious meetings, though never so often, or though private, upon the week days; and because one Verin refused to let his wife go to Mr. Williams so oft as she was called for, they required to have him censured. But there stood up one [William] Arnold, a witty man of their own company, and withstood it, telling them that, when he consented to that order, he never intended it should extend to the breach of any

> ordinance of God, such as the subjection of wives to their husbands, etc., and gave divers solid reasons against it. . . . Arnold told them, that it was not the woman's desire to go so oft from home, but only Mr. Williams's and others. In conclusion, when they would have censured Verin, Arnold told them, that it was against their own order, for Verin did that he did out of conscience; and their order was, that no man should be censured for his conscience.[63]

The differences between Williams's and Winthrop's accounts of the Verin disenfranchisement are remarkable. Winthrop ignored Williams's allegation that Verin actually beat his wife for going, or attempting to go, to religious services. For William Arnold (perhaps Winthrop's other informant) and apparently for Winthrop, the issue was not liberty of conscience (of which Winthrop disapproved) but rather the "ordinance of God, such as the subjection of wives to their husbands . . . ." Indeed, echoing and anticipating arguments made against Williams throughout his life, Williams, according to Arnold, was violating Verin's own liberty of conscience. Apparently, the view of Arnold and Winthrop was that liberty of conscience included the right to beat one's wife for attending religious services.

Roger Williams was not a modern feminist. He accepted the biblical and traditional view of the subordination of wives to their husbands, including their wearing of veils in church. He objected to "the unnatural *Preaching* of *Women* in *publick Assemblies* and *Congregations*, contrary to so many Reasons from Nature and Grace, so positively expressed by the *Holy Spirit* in *Scripture*." He criticized the Quakers' allegedly "*Un-Christian* and *unnatural Invention* of *Women Ministers*, *Women Apostles*, *Women Embassadors* to all *Nations*. . . . ."[64] Yet, during his 1672 debate with the Quakers, he cited, with approval, public remarks by Elizabeth Williams, his brother's wife, that she made in defense of Williams (though

these remarks were not made in a religious assembly).[65] In the Joshua Verin controversy, Williams set down limits to a husband's authority. A husband could not control his wife's religious beliefs and could not prohibit her from attending religious services. He could not beat her on account of her religious views and practices. In a later writing, Williams denied that a wife was required to follow her husband in spiritual matters: "And I ask, Whether the wife (notwithstanding in civil converse she submit with all wife like *submission* and *affection*, yet) as to *Religion* ought she not to judge of her *Husbands Beliefe or Unbeliefe in God?* and may she not joyn with him or separate from him, labouring to be a Saviour to him?"[66]

William Arnold also differed from Roger Williams regarding the factual background of the Joshua Verin matter, claiming that the issue was not whether Jane Arnold could attend religious services at all but rather the frequency and other circumstances of such attendance. Arnold even claimed that Jane Arnold did not want to attend religious services as often as Williams and others wished her to attend. This seems unlikely, especially considering the broader implications of Williams's long-held view that "forc't Worshpp stincks in Gods Nostrills."[67]

Williams's remarks that Verin "refused to heare the word with us (wch we molested him not for)" and that such behavior constituted "Ungodliness" are quite significant. There is no indication that Verin was attending other religious services or that he had any religious beliefs at all. Indeed, Williams's affixing the label "Ungodliness" to Verin's conduct suggests that Verin may have been an unbeliever (perhaps the reason he went to Providence in the first place) or what we now call an "atheist" or "agnostic." If so, Williams's reaction shows the radicalism of his commitment to freedom of conscience. Unlike the vast majority of writers before Thomas Jefferson and James Madison (and, in fact, most commentators before the twentieth

century), Williams advocated liberty of conscience for all people, whether they were religious or not. Even the philosopher John Locke, decades later, did not go so far (see Appendix D).

Sometime after September 21, 1638, Roger Williams informed Winthrop of rumors that Verin had joined forces with William Arnold in a campaign of defamation against Williams. The surviving records do not identify any specifics regarding the Verin-Arnold statements or any result of them.[68]

The First Baptist Church and the Evolution of Roger Williams's Theology

Professor J. Stanley Lemons aptly summarized the progression of Roger Williams's theological views when he wrote that "Roger Williams was a Baptist for only a short time in his spiritual journey from Anglican priest, Puritan, Separatist, and Baptist to a solitary 'witness' for Christianity when he concluded that no visible church was valid. Only when God sent a new Apostle would the Christ's church be restored, something that he devoutly hoped to see in his lifetime."[69]

As is clear from the account of the Joshua Verin controversy in the preceding section, Williams was preaching to various Providence residents in early 1638. The records of the Verin matter do not state whether Williams was a Baptist at that time, but it appears that sometime in 1638 Williams and others in Providence formed a Baptist congregation that became known as the First Baptist Church in Providence. It was long thought that the church was not founded until 1639, but the evidence, though not entirely conclusive, suggests that Williams and others converted to the Baptist faith sometime in 1638.[70]

The historical evidence regarding Williams's Baptist episode is somewhat indirect. John Winthrop wrote in his journal in

1639 that Anne Hutchinson's sister (Catherine Maybury Scott), the wife of Richard Scott, "being infected with Anabaptistry, and going last year to live at Providence, Mr. Williams was taken (or rather emboldened) by her to make open profession thereof, and accordingly was rebaptized" by Ezekiel Holliman, lately of Salem. "Then Mr. Williams rebaptized him and some ten more. They also denied the baptizing of infants . . . ."[71]

Later that year, Winthrop wrote:

> At Providence matters went after the old manner. Mr. Williams and many of his company, a few months since, were in all haste rebaptized, and denied communion with the others, and now he was come to question his second baptism, not being able to derive the authority of it from the apostles, otherwise than by the ministers of England, (whom he judged to be ill authority,) so as he conceived God would raise up some apostolic power. Therefore he bent himself that way, expecting (as was supposed) to become an apostle; and having, a little before, refused communion with all, save his own wife, now he would preach to and pray with all comers. Whereupon some of his followers left him and returned back from whence they went.[72]

Decades later, Richard Scott (who, in the meantime, had become a Quaker who was severely critical of Williams) wrote: "I walked with [Roger Williams] in the Baptists way about 3 or 4 months," but "he brake off from his Society, and declared at large the Ground and Reasons of it: That their Baptism could not be right, because It was not Administered by an Apostle. After that he set upon a Way of Seeking (with two or three of them, that had dissented with him) by way of Preaching and Praying; and there he continued a Year or two, till Two of the Three left him."[73]

About the same time, William Coddington, who had opposed Williams both politically and religiously for decades, remarked that Williams was "One time for Water-Baptism, Men and Women must be plunged into the Water; and then throw it all again . . . ."[74]

Baptists taught that "believer's baptism," as distinguished from infant baptism, was the form of baptism authorized by the New Testament. Baptism was supposed to be connected with a conscious conversion experience. The first Baptists in England were General Baptists, who "held that every person had a chance for salvation, that none was predestined to be damned, that Christ had died to save any who would believe." At the time of his association with the Baptist congregation in Providence, Williams was a Particular Baptist. The Particular Baptists followed the Calvinist doctrines of predestination and limited atonement. They believed that Jesus died for the sake of the elect (those previously chosen by God for salvation), not for humanity at large. After Williams left the Baptist congregation in Providence, that church became predominantly General Baptist in its theological orientation.[75]

Although Williams was progressive in his concepts of separation of church and state and liberty of conscience, he never seemed to abandon his belief in predestination, which was based on his interpretation of New Testament texts. He seemed to reconcile his commitment to freedom of conscience with predestination by assuming that God may have predestined some people who were not Christians for salvation. Thus, he often spoke highly of the moral sense of Native Americans and others were who had not converted to Christianity. In his maturity, he was, unlike many other Calvinists, reluctant to judge whom God had chosen for salvation. But this aspect of his theological perspective is not entirely clear. An apparent tension often emerged during his life between his essential humanity, on the one hand, and his narrow predestinarian theology, on the other. Sometimes his deeds

spoke louder than his words. Indeed, sometimes his humanitarian words spoke louder than his predestinarian words. We have already seen some examples of this, and we shall see others as we consider further his life and work.

Many decades ago, Professor A. S. P. Woodhouse made the following observation about Puritanism: "Dogma, brought into hourly relation with life, led men beyond dogma. Especially is this true of the group who separated most sharply the two orders of nature and grace." The Puritans believed that God created two orders: nature and grace. "Man *as man* belonged to the natural order; the *elect* belonged also to the order of grace." Roger Williams was one of the Puritans who most sharply separated nature and grace: he assigned religion to the contemplative spirit but reserved all the rest of life to the active sphere. As a result, Williams strongly supported liberty of conscience and separation of church and state. In contrast, "[w]here no such separation occurs the strong Puritan impulse to action results in the constant intrusion of religion into the secular sphere in an effort to enforce the standards of the holy community upon the world, and in a marked tendency to press on, in the name of that ideal, from the quest for religious liberty to the quest for political power."[76]

Williams had a profoundly ethical approach to the world. Although his ethical sense was based on the life and teachings of Jesus, it was not necessarily limited to a religious perspective. As Baptist ethicist Paul D. Simmons observed in a book published in 2000, "Ethics is a common ground for discussions between Baptists and humanists. The Roger Williams tradition among Baptists provides a sympathetic and at times compatible, if not always consistent, point of interest and identification with humanism."[77] Thomas Jefferson, who did not accept the theology of the New Testament, wrote to John Adams that one must strip the artificial theology of Jesus's epigones out of the New Testament, and "[t]here will be found remaining the most

sublime and benevolent code of morals which has ever been offered to man."[78] Jefferson undertook this task for himself and his friends.[79]

Roger Williams was not, of course, a skeptical Deist like Thomas Jefferson. In *The Bloudy Tenent*, published in 1644 during his first return trip to England, Williams considered baptism to be one of the foundational doctrines without the knowledge of which there could be no true profession of Christ according to the first institution. But "*Gods* people will be found to be ignorant [of the true doctrine of baptism] for many hundred yeares: and I yet cannot see it proved that *light* is risen, I mean the *light* of the first *institution*, in practice." Although "the whole *generation* of the *righteous*" have fallen away from the first primitive Christian state or worship and thus "have and doe erre fundamentally concerning the true *matter*, *constitution*, *gathering* and *governing* of the *Church*:. . . yet farre be it from any pious *breast* to imagine that they are not saved, and that their soules are not bound up in the bundle of *eternall life*."[80]

In 1649, Williams commented on the Baptist missionary activities of John Clarke and others: "I believe their practice comes neerer the first practices of our great Founder Christ <Jesus> then other practices of Religion doe and yet I have not satisfaction neither in the Authoritie by wch it is done nor in the manner, nor in the prophecies Concerning the rising of Christs Kingdome after the Desolations by Rome etc."[81]

As will be discussed later, Williams visited England again in 1652-54. In *The Bloody Tenent Yet More Bloody*, published in 1652, Williams again alluded to the doctrine of baptism as being among those "*foundations* which are yet so controverted amongst *Gods* servants . . . ."[82] In *The Hireling Ministry None of Christs*, he similarly referred, about the same time, to the contemporary differences in opinion about baptism in light of the historical interruption of the practices of the primitive church.[83] Toward the end of 1652,

in *The Examiner defended*, he again discussed the multiplicity of beliefs about baptism and the difficulty of ascertaining which of them was "according to the first pattern," suggesting that "the more Conscientious and tender the People of *God* are, about the true worship of God and Christ Jesus, the more they finde their loss, about the holy waies and means of it[.][84]

In about the winter of 1652-53, Williams wrote to Ann Sadleir, a daughter of Sir Edward Coke and staunch member of the Church of England, that his heart was persuaded that "the meerly formall, customary and traditionall professions of Christ Jesus, with wch the World is filled" were insufficient. Among all the many religious writers, "how few express the Simplicitie, the plainnes, the Meekenes and true Humilitie of the Learning of the Son of God?" "The Severall Sects of Common protestants content themselves with a Traditionall Worship, and. . . have held out a Lampe and Forme of Religion, Yea and (possibly of Godlines to [too]) and yet have denied the power and Life of it." "There is an absolute Necessitie (not so [much?] of a true Order of Ministrie Baptisme etc. but) of a true Regeneration and New birth, without wch it is impossible to enter into or to see the Kingdome of God, John 3. etc."[85] In these remarks, Williams showed how he had progressed beyond a concern about the "true Order" of ministry and baptism, which he believed was not absolutely necessary for salvation, to a view that a true regeneration and new birth is the essential prerequisite "to enter into or to see the Kingdome of God . . . ." By this time, Williams no longer seemed as obsessed with religious doctrine and practice as he had been as a young man. He now apparently regarded differences among various religious doctrines and practices as less important than the absolute necessity of true regeneration and rebirth.

We shall see in Chapter 8, however, that Williams still adhered to some basic Calvinist doctrinal positions during his debate with the Friends in 1672. For now, we may observe that during the

debate one of his Quaker interlocutors accused Williams of "not living in *Church Ordinances*" himself.[86] In other words, Williams did not belong to a church and did not participate in a church's sacraments. He responded, among other things, with an admission that "among so many pretenders to be the true *Christian Army* and *Officers* of Christ Jesus[,] to be in doubt unto which to associate and lift our selves . . . ."[87] He continued with an elaboration of his understanding:

> After all my search and examinations and considerations I said, I do profess to believe, that some come nearer to the *first primitive Churches*, and the *Institutions* and *Appointments* of Christ Jesus then others, as in many respects so in that gallant and heavenly matter of a Christian Congregation, Flock or Society, *viz. Actual Believers*, *true Disciples & Converts Living Stones*, such as can give some account how the *Grace of God* hath appeared unto them, and wrought that *Heavenly Change* in them; I professed that if my Soul could finde rest in joyning unto any of the *Churches* professing Christ Jesus now extant, I would readily and gladly do it, yea unto themselves whom I now opposed [the Friends].[88]

The foregoing quotations from Williams's *George Fox Digg'd out of his Burrowes* show his views when that book was published in 1676. A few years later, Williams wrote an apparently final statement of his theological beliefs regarding baptism.

For centuries, a shorthand essay of Roger Williams, written sometime between 1680 and his death in 1683, was left undeciphered and was accordingly unavailable to historians. In a remarkable scholarly achievement, a team of scholars recently decoded this essay (which the editors entitled "A Brief Reply to a Small Book Written by John Eliot") and, along with its

translation, provided appropriate commentary and related materials in a book entitled *Decoding Roger Williams: The Lost Essay of Rhode Island's Founding Father.*

Although the *Decoding Roger Williams* team could not decipher all of Williams's "Brief Reply," his principal arguments emerge from the successfully translated material. Significantly, the "Brief Reply" establishes that Williams held certain views somewhat consistently during the last several decades of his life. For example, "believer's baptism" (baptism of adults who were "born again") was, to Williams, the only scripturally authorized form of baptism. Moreover, Williams believed that the New Testament mandated "dipping" (the correct translation of the Greek word for "baptism") or immersion as the only proper method of baptism. The expression of these views by Williams in this late writing shows his continuing agreement with the Baptists and his opposition to the traditional infant baptism doctrines of the Roman Catholic Church, the Lutheran churches, and most of the Calvinist churches, including the New England Congregational churches of his time.[89]

The editors of *Decoding Roger Williams* suggest that Williams was not—as alleged by his enemies—a "Seeker," a term that had during Williams's time a pejorative connotation.[90] The question becomes, however, a semantic issue regarding how "Seeker" is defined. In an endnote, the editors observe: "If the Seekers actually existed as an organized movement, they were held to believe in universal salvation, to deny the divinity of Jesus Christ, to say that there was no heaven or hell, to believe that God dwelled within each person, who could become sinless—all ideas which Williams utterly rejected."[91] It is certainly true that Williams, who was in many (but not all) respects a Calvinist, did not agree with any of these positions attributed to the Seekers, as is especially evidenced in his correspondence as well in his account of his debate with the Quakers published late in his life.[92]

The editors of *Decoding Roger Williams* also correctly observe that "[t]he one thing [Williams] shared with [the Seekers] was the view that a true visible church no longer existed and could be restored only by a new apostle commissioned by Christ."[93] In 1651, Williams sent to John Eliot (the Massachusetts Bay preacher whom Williams was to oppose in his "Brief Reply") a copy of John Jackson's *A Sober Word to a Sober People*.[94] Jackson acknowledged being a Seeker, but he rejected the common misimpressions of what a Seeker was. Rather, he defined Seekers as "such, as, not seeing a sufficient ground for the practice of Ordinances [religious requirements] are said to seek them."[95] In the remainder of his work, Jackson questioned the scriptural authority for the current churches and ministry. Although Williams may not have agreed with all the details of Jackson's analysis, it is clear from the historical evidence discussed above that he was a Seeker in Jackson's definition of the term.

Accordingly, Roger Williams supported the Baptist view of baptism in his "Brief Reply" while having earlier questioned the scriptural authority of any current church or minister, Baptist or otherwise, to baptize. As observed above, Williams himself had remarked on this paradox in his November 10, 1649 letter to John Winthrop Jr.[96] Williams's "Brief Reply" seems to support fully the Baptist view, without (at least as far as the essay has been deciphered) any reservations about the authority of any existing church or minister to administer a scripturally appropriate baptism. Since the "Brief Reply" is Williams's last word on the subject, perhaps he had by then modified his Seeker views and finally adopted the standard Baptist position. But this conclusion is by no means certain, especially since, as we have discussed, he was espousing views similar to those of the Seekers only a few years earlier in his *George Fox Digg'd out of his Burrowes*.

Williams advocated certain theological doctrines, but he had an intellectual humility concerning what humans could know

about God. He criticized the pride and certainty of those who assumed that they knew more than they actually knew about ultimate subjects. He invoked Paul's statement "that in this life we know but in part, as through a glass darkly &c." He remarked that "concerning the *Essence* or *Being* of the Immortal, Invisible, Infinite, Eternal, Omnipotent, and Omniscient, and only Wise: we know no more then a Fly knows what a King is, and therefore *I Tim. [6:16]. He dwells in the Light that no man can approach to* . . . ."[97] In his incessant searching for truth, Williams was perhaps limited by the parameters of his Bible.[98] But his inquiring mind pointed to the transition between theology and philosophy. In the process, he left most other religionists of his age far behind. He had, in his own words, "[a] deepe and cordiall *Resolution* (in these wonderfull searching, disputing, and dissenting times) to search, to listen, to pray, to fast, and more fearefully, more tremblingly to enquire what the holy *pleasure*, and the holy *mysteries* of the most *Holy* are . . . ."[99]

Antinomian Refuge: Aquidneck (Rhode) Island

In September of 1634, Anne Hutchinson and her husband, William, disembarked in Boston from a ship that had carried them from England. They had been earnest followers, in England, of the Reverend John Cotton, who had arrived in Massachusetts Bay a year earlier. Cotton preached a version of predestination in which God's elect could not be identified by their behavior in earthly life. This teaching was inconsistent with the prevailing notions of "sanctification" in the Massachusetts Bay colony, whereby a person's predestinarian status was considered to be reflected in his or her life. This was a narrow theological dispute within the Puritan predestinarian community: all accepted the basic premise that God chose certain people, prior to their birth, to be predestined to salvation or damnation and that human works could not affect the outcome. Cotton, unlike

the Massachusetts Bay authorities, took this doctrine to its logical conclusion. The magistrates and their clerical supporters feared that such an "Antinomian" ("against law") view would necessarily lead to a decline in moral behavior. After all, if a person was already predetermined to be saved or not saved, why should that person be concerned about his or her ethical conduct? These Massachusetts "legalists" did not see any conflict between their views and orthodox Calvinist predestinarian doctrine.

Although some people criticized Cotton for his position, he was sufficiently prudent and political to survive the attacks on himself. In fact, he became the leader of the Massachusetts Bay divines. Anne Hutchinson, who lacked political skills and was undoubtedly the victim of gender discrimination, was not so fortunate. As a result of her radical theology, she was considered by John Winthrop and other powerful political and religious leaders to be an "American Jezebel" who would destroy the foundations of morality in the colony. Hutchinson conducted religious discussion sessions in her home in which she accused Massachusetts ministers (other than Cotton and her brother-in-law John Wheelwright) of preaching a "covenant of works" rather than a "covenant of grace." She developed quite a following of her own—a forbidden development, especially for a woman, in orthodox Massachusetts.

The Antinomian faction became quite outspoken in expressing its views. Consequently, Reverend Wheelwright was convicted of sedition and banished during 1637. He departed for New Hampshire. Several other Antinomians were disenfranchised, disarmed, and/or banished. In late 1637 and early 1638, Anne Hutchinson was convicted in a criminal trial, sentenced to banishment, and excommunicated from her church[100]

John Clarke (1609-76) arrived in Boston from England in November of 1637—the very time when the Antinomian controversy was coming to a head with the banishment of Wheelwright

and the trial of Anne Hutchinson. Clarke immediately observed the conflicts among the Massachusetts residents between those arguing for the "Covenant of grace" (with whom he sympathized) and those arguing for the "Covenant of works" (Clarke's description). Clarke later wrote that "I thought it not strange to see men differ about matters of Heaven, for I expect no less upon Earth: But [I thought it was strange] to see that they were not able so to bear each with other in their different understandings and consciences, as in those utmost parts of the World to live peaceably together . . . ."[101]

Clarke therefore advised the Antinomians to seek another place in which to live. They agreed and sent him and some others to investigate possible locations. Clarke and the others first went north, apparently to New Hampshire, but the winter proved too cold. The following spring they went south and met with Roger Williams in Providence. Clarke and the others were determined not to settle within the bounds of any other patent, and Clarke, Williams, and others then went to Plymouth to consult with the magistrates there. The Plymouth magistrates agreed with Clarke that Aquidneck Island (later called Rhode Island), which was outside of territory claimed by either Plymouth or Massachusetts Bay, was an appropriate place for them to live. Williams, Clarke, William Coddington, and others then made arrangements with the Narragansetts to acquire Aquidneck Island for the Antinomians. On March 24, 1638, Canonicus and Miantonomi executed a deed to William Coddington and other Antinomians, granting them the island of Aquidneck and the right to use certain marshes and grasslands elsewhere. As explained earlier, this is the same date that a formal deed was entered into between these Narragansett sachems and Williams for the latter's acquisition of the land for Providence. The Antinomians settled on the northern end of Aquidneck Island at Pocasset, later called Portsmouth (see Map

3). Williams also helped them make appropriate arrangements with Ousamaquin.[102]

Earlier that month, on March 7, William Coddington, John Clarke, William Hutchinson, and several others had signed an agreement for incorporation into a body politic. They elected William Coddington as judge to govern according to the laws in the Bible. In January of 1639 three "Elders" were appointed to assist Coddington, and the quarterly meeting of freemen was empowered to repeal the decisions of the judge and elders if so inspired by "by the word of Christ." Unlike Providence, this first form of government for Portsmouth was a theocracy.[103]

In April of 1638, Anne Hutchinson and a few others, in accordance with the banishment order of the Massachusetts Bay government, walked south for six days until they reached Roger Williams's settlement in Providence. She then went by boat to join her husband at Portsmouth on Aquidneck Island. Williams wrote later that month that he had engaged in "much discourse" with Anne and the other Antinomians.[104]

William Coddington's imperious rule as judge did not endear him to many of the other Portsmouth residents. Additionally, the poorer residents demanded land. On April 28, 1639, the Hutchinsonians and a faction led by Samuel Gorton replaced Coddington with William Hutchinson, Anne's husband. Although documentary evidence is sparse, it is possible that Anne Hutchinson and her followers feared that Coddington, as a "magistrate" combining civil and religious powers, would persecute the Hutchinson group. Indeed, about the time of this "coup d'état," Coddington apparently visited Massachusetts Bay, and the coup occurred as Coddington's faction was in the process of punishing an apparent follower of Hutchinson for sedition. In light of such developments, Winthrop's comment in his March 16, 1639 journal entry that Anne Hutchinson "would have no magistracy" appears to be prescient. Coddington and Clarke

left and founded the town of Newport at the southern end of Aquidneck Island (see Map 3). William Hutchinson served in his new political office for only one year. Roger Williams reportedly told Scottish Presbyterian minister Robert Baillie (during Williams's first return visit to England a few years later) that Anne Hutchinson "(with whom he was familiarly acquainted, and of whom he spake much good) after she had come to [Rhode] Island, and her husband had been made Governour there, she perswaded him to lay downe his Office, upon the opinion which newly she had taken up of the unlawfulnesse of Magistracy." However, Coddington gradually persuaded most of the Portsmouth residents to join Newport in a confederation under his leadership. In March of 1640, William Hutchinson was made an assistant under the new governmental arrangement. Samuel Gorton was a holdout from the confederated government, but he was in a minority.[105]

At the time of its formation in March of 1640, the Aquidneck Island government adopted annual elections and replaced the biblical "judge" with a "governour." Coddington, of course, was elected the new governor, though he now had to stand for election on an annual basis as distinguished from having an indefinite term. By the end of March 1641, the General Court pronounced that the confederated government was "a Democracie or Popular Governmt that is to say It is in the Powre of the Body of freemen orderly assembled or major Part of them to make or Constitute Just Lawes by wch they will be regulated & to depute from among themselves such ministers [representatives] as shall see them faithfully executed between man & man." Unlike Providence, the new government adopted a religious oath to be sworn by the officials before assuming their duties. But the General Court ordered "that none bee accounted a Delinquent for the [religious] Doctrine: Provided it not be directly repugnant to the Governmt or Lawes established." Accordingly, the island government was

making progress toward the ideals of democratic government and liberty of conscience.[106]

Anne Hutchinson was harassed by visits from Massachusetts ministers, especially after the death of her husband, which probably occurred sometime in 1641. The ministers told her that Massachusetts Bay would soon take over Rhode Island. In the summer of 1642, Hutchinson and some of her family members moved to Pelham Bay in what is now the Bronx. At that time it was under the jurisdiction of New Amsterdam, a Dutch colony. The Dutch were at war with the Siwanoy, a local Native American tribe. The next summer, the Siwanoy killed Hutchinson and all her family members living at Pelham Bay with the exception of her nine-year-old daughter Susan. The Siwanoy captured Susan, and she lived with them for several years.[107]

On March 13, 1644, the name of Aquidneck Island was officially changed to Rhode Island.[108] It was not until later that the term "Rhode Island" encompassed both the island and the mainland communities.

Mainland Strife: Samuel Gorton, Pawtuxet, and Shawomet (Warwick)

As mentioned above, Samuel Gorton was involved in the revolt against Coddington's rule in Portsmouth but ended up being on the losing side during the later consolidation of the Portsmouth and Newport governments. Having earlier been expelled from Plymouth, Gorton was now prosecuted by Coddington's allies for his refusal to recognize the new government and for his satirical disparagement of it. When ordered to prison, Gorton attempted to foment an insurrection in Portsmouth. He was then whipped and banished from Aquidneck Island.[109]

Gorton next tried his luck in Providence. His reputation preceded him, and his turbulent behavior in Providence confirmed

that reputation. Puritan apologist Edward Winslow alleged that Roger Williams wrote the following to John Winthrop on March 8, 1641:

> Master Gorton having foully abused high and low at Aquednick, is now bewitching and bemadding poore Providence, both with his uncleane and foule censures of all the Ministers of this Country, (for which my self have in Christs name withstood him) and also denying all visible and externall Ordinances in depth of Familisme, against which I have a little disputed and written, and shall (the most High assisting) to death. As Paul said of Asia, I of Providence [say that] (almost) All suck in his poyson, as first they did at Aqednick. Some few and my selfe withstand his Inhabitation, and Towne-privileges, without confession and reformation of his uncivill and inhumane practices at Portsmouth: Yet the tyde is too strong against us, and I feare (if the framer of Hearts helpe not) it will force mee to little Patience, a little Isle next to your Prudence.[110]

The foregoing letter suggested that Williams opposed Gorton's application for freemanship and land acquisition in Providence. This is sometimes taken as showing the limit of Williams's toleration for unwelcome religious and political opinions. However, the resort of Gorton and his faction (collectively, the "Gortonists") to violence in Portsmouth and his reported harassment and defamation of other residents in Providence shows that Gorton did more than just express religious and political opinions. A more detailed account of Gorton's aggressive conduct in Providence is set forth in William Arnold's May 25, 1641 letter to the other four Providence disposers, in which Arnold strongly opposed any grant of land to Gorton and his admission to town privileges.[111]

However, it is not at all certain that the letter Winslow attributed to Williams is genuine. No manuscript of this letter has been located. In 1643, Massachusetts Bay, Plymouth, Connecticut, and New Haven formed the United Colonies, a confederation dedicated to isolating and taking land from the Providence and Aquidneck Island settlements and engaging in hostile action against their allies, the Narragansetts.[112] Edward Winslow, a former Plymouth governor who helped form the United Colonies, was authorized by that organization to travel to England in 1644 to represent Massachusetts in opposing Samuel Gorton.[113] To counteract Gorton's book *Simplicities Defence* (1646), Winslow wrote and published *Hypocrisie Unmasked* (1647).[114] The sole primary source for Williams's purported March 8, 1641 letter is *Hypocrisie Unmasked*, a polemical work not authorized by Williams. Even if something like the letter was actually written by Williams, it is possible that what Williams actually wrote was modified in order to more effectively discredit Gorton. Such alteration would not have been a totally unusual practice in the seventeenth century. The emphasis of the letter on religious doctrines and Familism was characteristic of the obsessions of Massachusetts Bay (whose main objection to Gorton was his alleged religious blasphemy) but was not typical of Williams's political letters. Indeed, it is unlikely that Williams would have objected to Gorton's "denying all visible and externall Ordinances" (baptism and Lord's Supper), since Williams himself, as we have seen, had also come to doubt participation in these sacraments pending a new apostle being sent by God. The letter's comparison of Williams to St. Paul also does not fit Williams's normally humble writing style. Perhaps the Massachusetts magistrates and divines were attempting to kill two birds with one stone by portraying Williams as a megalomaniac and Gorton as a blasphemer. It is even possible that Winslow himself might have unknowingly been given a document that was forged by a Massachusetts leader, perhaps John Cotton, who

hated both Gorton and Williams. Accordingly, it is not surprising that some historians have doubted the authenticity of the letter.[115]

In Providence, after Gorton involved himself in local religious and land disputes, his followers forcibly resisted governmental action enforcing an arbitration judgment. Roger Williams prevented further violence by interceding between the opposing forces.[116]

In January of 1642, the Gortonists moved to Pawtuxet, where two townsmen had joined their faction and granted them land. This development enraged William Arnold and other settlers of Pawtuxet, who claimed some of the same land and then submitted themselves and their lands to the jurisdiction of Massachusetts Bay.[117] The strangeness of this situation is accentuated by the fact that Pawtuxet was actually a part of Providence until the two towns were officially separated in 1754.[118] To use a comparison to today's political geography, it would be like Manhattan being under the jurisdiction of the United States, with one of the other New York City boroughs being under the jurisdiction of Canada. But even that analogy is not sufficiently strong, since the Massachusetts Bay government was militantly theocratic whereas the government of Providence was strongly committed to liberty of conscience and separation of church and state. Thus, it would be more like the Soviet Union having had jurisdiction over the Bronx while the United States retained jurisdiction over Manhattan during the coldest days of the twentieth-century Cold War. As we shall see, the introduction of Massachusetts Bay jurisdiction into the heart of the Narragansett Bay mainland caused huge problems.

The Gortonists then moved further south and purchased an area called Shawomet (later named Warwick) from Miantonomi, the Narragansett sachem (see Map 4). However, Massachusetts claimed this land as a result of the subjection of two inferior sachems, Pumham and Socononoco, to Massachusetts. Although these sachems were arguably subject to Miantonomi and had agreed to the Gortonists' purchase of the land, they later reneged

on the deal and, temporarily at least, allied with Massachusetts. The Bay Colony now claimed land in both Pawtuxet, through the Arnold faction, and Shawomet, through Pumham and Soconomoco. The Gortonists expressed belief, on the basis of various rumors, that Massachusetts intended to take over the entirety of the Providence and Aquidneck Island settlements.[119]

When the Gortonists refused to give up Shawomet, a military force sent by Massachusetts Bay invaded the Narragansett Bay area and, after a complicated series of events, took Samuel Gorton and others back to Boston for trial. The events surrounding the trial showed that the Massachusetts magistrates and clergy were quite obsessed with Gorton's alleged blasphemy and heresy. Gorton and some of the other Gortonists barely escaped capital punishment. Instead, on November 3, 1643, they were sentenced to be dispersed to various Massachusetts towns to work and "there to wear such bolts or irons" as would hinder their escape. If, any of the captured Gortonists tried to escape or "either by speech or writing, publish, declare, or maintaine any of the blasphemous or abominable heresies, wherewith he hath been charged by the generall Court," he would be committed to prison until the next Court of Assistants, where, upon conviction by a jury trial, he "shall be condemned to death, and executed."[120]

After the manifestation of public discontent concerning the harshness of its treatment of the Gortonists, Massachusetts Bay prudently released them in March of 1644 with the proviso that they were banished not only from Massachusetts Bay but also from the Providence area, including Shawomet.[121] By this time, the story of the Gortonists merges with the narrative of Roger Williams's first return visit to England, to which we now turn.

CHAPTER 4

Return Visit to England: The First Publications and the First Charter in the Midst of Civil War (1643-44)

> Though our Musick sound not sweet, but, harsh, yet please you first to Know, it is not fitted to your Eares, but to your Hearts, and the bleeding Heart of this afflicted Nation.
>
> [Roger Williams], "*To the* Right Honourable *Both Houses of the High Court Of* Parliament," in *Queries of Highest Consideration* (1644)

The Decision to Seek a Patent

Williams summarized the events surrounding his obtaining a patent (charter) for Providence in a letter written in 1670:

> [U]pon frequent Exceptions agnst Providence Men, that we had no Authoritie for Civill Govrmnt: I went purposely to Engl. and upon my Report and Petition, the Parliamnt granted us a charter of Govrmnt for these parts (so judged vacant on all hands). And upon this the Countrey about us was more friendly and wrote to us and treated us as an authoriz'd Colony: only the differences of our Consciences much obstructed.[1]

As observed in the preceding chapter, Massachusetts Bay would not let the Narragansett Bay settlements alone. Its officially established clergy harassed Anne Hutchinson on Aquidneck Island and told her that Massachusetts would soon take over the island. Massachusetts claimed not only Pawtuxet and Shawomet but also (according to Samuel Gorton) Providence itself (see Maps 4 and 6). In fact, on March 7, 1644, Massachusetts purported to banish the Gortonists not only from Pawtuxet and Shawomet but also from Providence, all of which Massachusetts claimed to be "within our Jurisdiction . . . ."[2] Earlier, on March 1, 1642, Plymouth had suggested that it might itself assume jurisdiction over Providence.[3]

The designs of Massachusetts and Plymouth were not merely imaginary. Governor John Winthrop confided the following summary of a development at the September 8, 1642 Massachusetts Bay General Court to his journal:

> At this court also, four of Providence [William Arnold, Benedict Arnold, Robert Cole, and William Carpenter], who could not consort with Gorton and that company, and therefore were continually injured and molested by them, came and offered themselves and their lands, etc., to us, and were accepted under our government and protection. This we did partly to rescue these men from unjust violence, and partly to draw in the rest in those parts, either under ourselves or Plimouth, who now lived under no government, but grew very offensive, and the place was likely to be of use to us, especially if we should have occasion of sending out against any Indians of Narragansett and likewise for an outlet into the Narragansett Bay, and seeing it came without our seeking, and would be no charge to us, we thought it not wisdom to let it slip.[4]

The United Colonies of Massachusetts Bay, Connecticut, New Haven, and Plymouth exerted political pressure and military force on the Narragansett Bay settlements and their Amerindian allies, the Narragansetts. As a result of lost records, we do not have historical details of Williams's contemporaneous reaction to these developments. However, he later remarked "that the very principles and Consciences of the Massachusets, and the other Colonies, destroy our Liberties and teare up our very Foundacion . . . ." He wrote that the actions of a political opponent would "bring in all the other Colonies (and especially the Massachusetts on us, from whence so many are expressly or—in effect—expelld and banished). He knowes what numbers in every Towne [of the Narragansett Bay communities] are obnoxious and liable to the prisons and whips and Halters of the Massachusets (for their Religion sake) even his owne Father as much as any." The defense of the Narragansett Bay settlements from the United Colonies was not merely over land and territory. It involved the principles that were most important to Roger Williams and many of his compatriots: liberty of conscience and separation of church and state.[5]

The encroachments of the other colonies convinced Williams and his neighbors that it was time to seek a colonial patent (charter) from the government in London. Although Williams believed that the Narragansett Bay communities could only justly obtain land through agreement with the Native Americans, he came to realize that official political recognition by the English government was necessary to safeguard the new settlements from political and military aggression by the other colonies.[6]

The government for Aquidneck Island had been considering the patent issue since 1639. On September 19, 1642, the General Court held at Newport ordered that

> a Comittee shall be appointed to Consult about the procuration of a Patent for this Island and Islands & the lands

> adjacent, and to draw up peticion or peticions, & to send letter or letters for the same end to Sr Henry Vane, and that if any opportunitie be presented they shall have full Powre to transact & send to the forenam'd Gentleman [Roger Williams] or any others whom they shall think meet for the speedy effecting of said business . . . .[7]

As a result of missing Providence documents, it is not clear whether similar proceedings occurred in that community. But they evidently did, because Roger Williams left for England in the spring of 1643 in order to obtain a patent for the Narragansett Bay mainland and island communities.[8]

Since Williams had been banished from Massachusetts Bay years earlier, he had to cross the ocean by way of the Dutch colony of New Amsterdam. While waiting there for a ship to take him to England, he witnessed what he understood to be the outbreak of the war between the Dutch and the Siwanoy American Indian tribe—the same war that resulted in the murder of Anne Hutchinson and much of her family some weeks later. Williams recalled that "the Dutch began [the war] (upon the slaughter of some Dutch by the Indians) and they questioned not to finish it in a fewe dayes, in so much that the name of peace (wch some offered to mediate) was foolish and odious to them. But before we waighed Anchor their Bowries were in Flames[,] Dutch and English were slaine. Mine eyes saw their flames at their Townes end and the Flights and Hurries of Men, Women, and children, the present Remoovall of all that could for Holland . . . ." After "Vast expences and mutuall slaughters of Dutch[,] English and Indians (about 4 yeares), the Dutch were forced (to save their plantation from Ruine) to make up a most unworthy and dishonorable peace with the Indians."[9]

Ever the astute observer, Williams always saw more deeply than the average person caught up in the emotions of the moment, especially when physical violence was part of the equation.

The Political Situation in England upon Williams's Arrival (1643)

When Roger Williams arrived in England in 1643, Charles I was technically king. However, a civil war had begun in 1642 between the king and Parliament. The monarchical forces, dubbed "cavaliers," supported the king and the Anglican ecclesiastical hierarchy. The parliamentary forces, which were derisively called "roundheads," opposed Charles's assumption of authoritarian powers and supported a new establishment of religion on a Presbyterian model. Most of the Puritans in Parliament wished to retain the established Church of England but replace its ecclesiastical hierarchy with a somewhat more localized church government. Church and state would still be merged, and freedom of conscience would be allowed only for those of the Presbyterian persuasion. All others would have to conform or else be prosecuted by the new church-state government.[10]

Williams's immediate political objective was to obtain a charter recognizing a new colony comprised of the Narragansett Bay communities. Since Parliament was in control of the government (the king having fled the London area), Williams's application had to be directed to Parliament. He actually preferred applying to Parliament, in part because Sir Henry Vane, his good friend (see Chapter 3), was an important and influential parliamentary figure as was Sir William Masham, his still friendly former employer (see Chapter 1). But the uncertainties of the Civil War and the preoccupation of the parliamentary leaders with the war and the mechanics of governance delayed the processing of Williams's proposed patent for many months. Meanwhile, Williams published three important works: *A Key into the Language of America*; *Mr. Cottons Letter Lately Printed, Examined and Answered*; and *Queries of Highest Consideration*. These publications attempted to influence the Parliament and other opinion leaders into adopting radically new ideas regarding Native Americans, liberty of conscience, and

separation of church and state. Then, after obtaining the patent for Providence Plantations, Williams published his most famous work, *The Bloudy Tenent, of Persecution*, and, months after he had returned home, *Christenings make not Christians.* We shall consider these works and the associated political developments in chronological order.

A Key into the Language of America (1643)

We saw in Chapters 2 and 3 of the present book that Williams had a much different concept of Native Americans from the standard view in New England and England. The prevailing English notion was that the English monarch had a legal and moral right, on the basis of the Christian religion, to claim the vast expanse of America for English people, notwithstanding the fact that American Indians already possessed and in many cases occupied much of that territory. New England Puritans, in particular, demonized the aboriginal peoples, asserting that they were servants of the devil while maintaining that the English Christians were God's people, destined to take over the land and remove or exterminate the allegedly inferior earlier inhabitants. The Pequot War demonstrated the ruthlessness of Puritan power, with English Americans frankly justifying the indiscriminate murder of Native men, women, and children on the ground that they were the agents of the devil.

Roger Williams had been sheltered by Native Americans after his banishment from Massachusetts and had lived among and traded with them. He had learned the Algonquian language, especially the dialect spoken by the Narragansett people.[11] He had carefully studied the Native customs. Although he retained his own English and Christian identity and considered some of the Native religious rites and practices to be diabolical and barbarian, he also understood that the American Indians were human beings who were not infrequently morally

superior to Europeans. Most of all, Williams totally rejected the theory of imperialism whereby the European powers assumed the right to dispose of Amerindian lands without the consent of the Native inhabitants. He opposed the English doctrine of *vacuum domicilium*, which held that God had made substantial portions of the American wilderness vacant for English settlement by bringing deadly diseases to the indigenous peoples. Although Williams and others in the seventeenth century had no understanding of the lack of immunity of Native Americans to European diseases caused by not having had previous exposure, he objected to the English assumption that the visitation of American Indians with disease was God's will in order to make way for English settlement.

Williams taught that the only proper way for Europeans to acquire land in North America was by purchase from or other voluntary arrangements with the earlier inhabitants. Moreover, he practiced what he preached. Every English settlement in the Narragansett Bay area with which he was involved was predicated upon voluntary land transactions with the Native Americans. Williams went to England in 1643 on the premise that an English charter for a new colony was necessary to provide political protection against the other New England colonies for the acquisitions of land that he and others had already entered into, on a voluntary basis, with the Native Americans.

It is in this context that Williams published, in about September of 1643, his first major work: *A Key into the Language of America . . . .*[12] In his preface "*To my Deare and Welbeloved* Friends *and* Counrey-men *in old and new* England," Williams observed: "A little *Key* may open a *Box*, where lies a *bunch* of *Keyes*." He said he "drew the *Materialls* in a rude lumpe at Sea, as a private *helpe* to my owne memory . . . ." He noted that "[t]his *Key*, respects the *Native Language* of it, and happily may unlocke some *Rarities* concerning the *Natives* themselves, not yet discovered."[13]

The form of the *Key* is interesting. Each of its thirty-two chapters addresses a distinct topic and includes four components: (1) columns divided into two parts, with Algonquian words on the left and their English translations on the right; (2) "observations" by Williams regarding the Natives' words together with their related customs and Williams's own experiences among the Amerindian tribes or bands; (3) a penultimate "general observation" by Williams summarizing the topic being discussed; and (4) a brief and pithy poem by Williams, often with a religious reference, concluding the topic. The chapters at the beginning of the *Key* discuss such relatively simple topics as Native American salutations, eating, and entertainment; they then progress to more complicated topics such as their religion, government, marriage, economics, and wars; and they finally return to simpler topics such as sports, gaming, paintings, sickness, and death.[14]

Throughout the work, Williams emphasized the humanity of Native Americans, often observing their essential moral equality with, and sometimes moral superiority over, Europeans.[15] For example, he wrote that "I have acknowledged amongst them an heart sensible of kindnesses again from many, seaven yeares after, when I my selfe had forgotten . . . ."[16] He observed that "[t]here is a favour of *civility* and *courtesie* even amongst these wild *Americans* [Native Americans], both amongst *themselves* and towards *strangers*."[17] Williams was particularly impressed by Amerindian hospitality: "If any stranger come in, they presently give him to eate of what they have; many a time, and all times of the night (as I have fallen in travell upon their houses), when nothing hath been ready, have themselves and their wives, risen to prepare me some refreshing."[18] "In Summer-time I have known them lye abroad [outside] often themselves, to make roome for strangers, *English*, or others.[19] One of his concluding poems stated:

I have knowne them leave their House and Mat
to lodge a Friend or stranger,
When Jewes and Christians oft have sent
Christ Jesus *to the Manger.*[20]

The Native Americans were especially helpful with English people lost in the wilderness. "I have heard of many *English* lost, and have oft been lost my self, and my self and others have been found, and succoured by the *Indians*."[21] "They are joyfull in meeting of any in travell, and will strike fire either with stones or sticks, to take Tobacco, and discourse a little together."[22] "The wildernesse being so vast, it is a mercy, that for a hire a man shall never want [Amerindian] guides, who will carry provisions, and such as hire them over the Rivers and Brookes, and find out often times hunting-houses, or other lodgings at night."[23] "[T]hey are so exquisitely skilled in all the body and bowels of the Countrey (by reason of their huntings) that I have often been guided twentie, thirtie, sometimes fortie miles through the woods, a streight course, out of any path."[24] And they were courageous: "I once travalled with neere 200 who had word of neere 700. . . Enemies in the way, yet generally they all resolved that it was a shame to feare and goe back."[25]

"It is a strange *truth*," Williams concluded, "that a man shall generally finde more free entertainment and refreshing [food and shelter] amongst these *Barbarians*, then amongst thousands that call themselves *Christians*."[26] Williams emphasized the intelligence of the Native Americans: "For the temper of the braine in quick apprehensions and accurate judgements (to say no more) the most high and soveraign God and Creator, hath not made them inferiour to *Europeans*."[27] "Nature knowes no difference between *Europe* and [Native] *Americans* in blood, birth, bodies, &c. God having of one blood made all mankind, *Acts* 17[,] and all by nature being children of wrath, *Ephes.* 2."[28] Murders, robberies, and other

crimes and sins were more frequent in Europe than in Amerindian society.[29] "Their Warres are farre less bloudy, and devouring then the cruell Warres of Europe . . . ."[30] Adopting the voice of the American Indians, Williams criticized European civilization:

> *We weare no Cloaths, have many Gods,*
> *And yet our sinnes are less:*
> *You are Barbarians, Pagans wild,*
> *Your Land's the Wildernesse.*[31]

Perhaps the most important matter that Roger Williams had to address in the *Key* was the issue of his acquisition of land from the Narragansetts, as distinguished from the usual procedure of obtaining a prior patent by the English government. He had to show, contrary to popular opinion in England and America, that the Narragansetts recognized property rights and were careful in defending them.[32] Accordingly, Williams made the following argument in what is virtually the precise central location of his book:

> The *Natives* are very exact and punctual [punctilious] in the bounds of their Lands, belonging to this or that Prince or People, (even to a River, Brooke) &c. And I have knowne them make bargaine and sale amongst themselves for a small piece, or quantity of Ground: notwithstanding a sinfull opinion among many that Christians have right to *Heathens* Lands: but of the delusion of that phrase, I have spoke in a discourse concerning the *Indians* Conversion.[33]

Note that Williams referred to the bounds of the Amerindian lands "belonging to this or that Prince or People . . . ." One of the cultural barriers between Native Americans and Europeans was that the sachems owned the Amerindian lands and distributed usufruct rights to individual Natives. Although this was similar

in theory to the English land system whereby the monarch legally owned all the land in the kingdom, the development of the fee simple estate in England centuries earlier meant that individuals could often have de facto private ownership rights in land (see Appendix C). In contrast, individual private land ownership rights as such did not exist within the Native American land system. The sachem, representing the collective rights of the group, owned all the territory of the tribe, which was to be defended against other groups, Native or English. However, the sachem could transfer part of that territory to an individual or group of individuals outside the tribal entity, normally in exchange for some sort of gratuity or political consideration. This was a matter of diplomacy within the purview of the sachem, and it is in this manner that Williams acquired land ownership rights to the territory that became Providence.[34]

Williams observed that the Narragansetts had "a modest Religious perswasion not to disturb any man, either themselves, *English*, *Dutch*, or any in their Conscience, and Worship, and therefore say: Aquiewopwauwash / *Peace, hold your peace.*"[35] Without making it explicit, Williams was contrasting Amerindian liberty of conscience with English persecution of religious dissenters in Old and New England.

The *Key* attempted to provide some response to the frequent complaint in England and continental Europe that the New England Calvinists had done little to convert Native Americans. In prefatory material, Williams presented his modest thoughts regarding conversion:

> [A] man may, by this *helpe* [the language directions in the *Key*], converse with *thousands* of Natives all over the *Countrey:* and by such converse it may please the *Father* of *Mercies* to spread *civilitie*, (and in his owne most holy season) *Christianitie;* for *one Candle* will light *ten thousand*,

and it may please *God* to blesse a *little Leaven* to season the *mightie Lump* of those *Peoples* and *Territories*.[36]

Williams expressed a humble ignorance concerning whether any of the Native Americans, raised as non-Christians, would be saved: "I know not with how little *Knowledge* and *Grace* of Christ the Lord may save, and therefore neither will *despaire*, nor *report* much." However, he found some individual American Indians receptive to what he understood (here, implicitly) to be the prerequisites of conversion. By providing a key to the Narragansett dialect of the Algonquian peoples, he suggested that he would assist others in converting them. He also hinted at a nonaggressive method of conversion. But he deferred a more detailed discussion of conversion to another writing. This later pamphlet, *Christenings make not Christians*, was published after Williams obtained the patent for Providence Plantations and stated what he regarded as some hard and unpopular truths about conversion. This tract will be discussed in due course.[37]

Williams's frequent praise of the ethical sense of many Native Americans and his criticism of the morality of many Europeans make one wonder whether he had moved away from Calvinist doctrinal rigidities to an essentially moral understanding of Christianity. Throughout his life, one sees, again and again, how Williams interpreted and applied religion through an ethical lens. Although some scholars have attempted to cabin Williams into a narrow version of doctrinal millennialism, a close study of his words and actions shows, as demonstrated in the present book, a constant attempt on his part to understand and apply the ethical teachings and conduct of his ultimate role model, Jesus.

The present account of the *Key* has had to omit, for reasons of space, many of Williams's very interesting descriptions of Amerindian culture. Williams was, in important ways, a cultural anthropologist who tried to understand the Native Americans

on their own terms. The *Key* discusses in depth many details of Narragansett speech, housing, family, economy, government, religion, marriage, money, trading, debts, hunting, sports, gaming, wars, illness, and death. The book is suitable for both general readers and scholars. Benjamin Franklin himself owned a copy of it.[38]

Mr. Cottons Letter Lately Printed, Examined and Answered (1644)

As explained in Chapter 2, the immediate result of Roger Williams's banishment from Massachusetts Bay was that he spent several weeks during the winter of 1636 in the New England wilderness, succored only by Native Americans. Incredibly, during this difficult time, Williams exchanged letters with John Cotton, who had strongly supported the banishment. One of these letters survived: a letter from Cotton to Williams that responded to a letter, now lost, from Williams. Although Williams could not immediately respond, he later prepared an answer but did not send it, "waiting if it might please the Father of mercies, more to mollifie and soften, and render more humane and mercifull, the eare and heart of that (otherwise) excellent and worthy man," John Cotton.[39] However, the mind and heart of John Cotton were never mollified.

Unbeknownst to Cotton, someone published the surviving 1636 letter from Cotton to Williams during the year 1643 in London (hereafter *Cotton Letter*).[40] Williams published a response in about February of 1644 during his sojourn in London: *Mr. Cottons Letter Lately Printed, Examined and Answered: By* Roger Williams *of* Providence *In* New-England (hereafter *Mr. Cottons Letter Examined*).[41] In 1647, a London publisher issued Cotton's reply in a bound volume containing as its first item Cotton's *Bloudy Tenant Washed* (discussed in Chapter 5). Cotton's response was

entitled *A Reply to Mr.* Williams *his Examination; And Answer of the Letters sent to him by* John Cotton (hereafter "*Reply to Mr. Williams*" or "*Reply*"). Williams did not respond further in this series, having, in the meantime, published his *Bloudy Tenent*, which inaugurated an even more voluminous exchange of printed words with Cotton.[42]

Williams's *Mr. Cottons Letter Examined* and Cotton's *Reply* (like the later *Bloudy Tenent* series) take the form of a long-winded and often tedious theological disputation, following a genre that was a commonplace in seventeenth-century polemics. Much of the argumentation in *Mr. Cottons Letter Examined* and Cotton's *Reply* addressed intricate issues involved in the theological conflict between Radical Separatism (as represented by Williams) and Nonseparating Congregationalism (as represented by Cotton). We have examined some of these issues in Chapter 2. Further consideration of them is not necessary here, as the details of this theological controversy are beyond the scope of the present work. Other portions of Williams's *Mr. Cottons Letter Examined* and Cotton's *Reply* address the causes of Williams's banishment from Massachusetts Bay, and these issues were also addressed, with citations to these writings, in Chapter 2. There are, however, a few other important matters in this exchange that have not yet been discussed, and we shall now consider them.

With regard to the 1643 publication of the 1636 *Cotton Letter*, Williams stated that he found this letter public but did not know by whose procurement.[43] Cotton responded that he remembered writing to Williams during the 1636 timeframe, "[b]ut whether this printed Letter be a true Copie thereof, or no, I doe not know," except that the matter and style were consistent with what he recalled of his judgment at the time. However, he could not imagine how his letter came into print. "Sure I am it was without my privitie: and when I heard of it, it was to me unwelcome Newes . . . ." He accepted Williams's statement that

he had not himself published the letter. Cotton also concluded that Williams's sympathizer Sabine Staresmore did not publish it, but Cotton thought it probable that "some other (unadvised) Christian, who (having gotten a copie of the Letter, tooke more libertie, then God alloweth, to draw forth a private Admonition to publick notice in a disorderly way."[44] It was not the first or last time that unauthorized (and sometimes inaccurate) publications of Cotton's writings had occurred in London, far from his residence in Boston.[45] In light of this history, it is possible that a follower of Cotton, rather than a follower of Williams, published the *Cotton Letter* in 1643, though it is unclear how one of Cotton's followers would have come into possession of the letter or a copy of it.

The first page of the *Cotton Letter* contained a profession of innocence:

> Let not any prejudice against my person (I beseech you) forestall either your affection or judgement, as if I had hastened forward the sentence of your civill banishment; for what was done by the Magistrates, in that kinde, was neither done by my counsell nor consent, although I dare not deny the sentence passed to be righteous in the eyes of God . . . .[46]

Cotton went on to rationalize the banishment by suggesting that Williams, as a minister, had withheld the "Corne," the "staffe of life," from the members of his congregation in Salem when he withdrew from them, thus justifying their separation from him in Cotton's peculiar interpretation of Proverbs 11:26. Having thus immediately confounded civil banishment with religious matters, Cotton added: "And yet it may be they passed that sentence against you not upon that ground, but for ought I know, upon your other corrupt doctrines, which tend to the disturbance both

of civill and holy peace . . . ." Indeed, said Cotton, "I should thinke it a worke of mercy of God to banish me from the civill society of such a Common wealth, when I could not injoy holy fellowship with any Church of God amongst them without sin." He concluded that he believed it was the holy will of God "to move you to a more serious sight of your sin, and of the justice of Gods hand against it."[47]

Williams did not accept Cotton's excuses at face value. Williams's explanation of the circumstances that elicited the 1636 letter from Cotton was that some of his friends were

> *much grieved, that one, publikely acknowledged to be godly and dearely beloved, should yet be so exposed to the mercy of an howling Wildernesse in Frost and Snow,* &c. *Mr.* Cotton *to take off the edge of Censure from himselfe, profest both in speech and writing, that He was no procurer of my sorrows.*
>
> *Some letters then past between us, in which I proved and exprest, that if I had perished in that sorrowfull Winters flight; only the blood of Jesus Christ could have washed him from the guilt of mine.*
>
> *His finall Answer was, had you perished, your blood had beene on your owne head; it was your sinne to procure it, and your sorrow to suffer it.*[48]

Williams alleged that Cotton himself "afflicted and persecuted" him. Williams believed that Jesus would not be pleased that, for the reasons given by the Massachusetts Bay authorities, he was "denyed the common aire to breath in, and a civill cohabitation upon the same common earth; yea and also without mercy and humane compassion [was] exposed to winter miseries in a howling Wildernes?"[49] Williams observed that the position of the Massachusetts Bay civil and religious authorities (including Cotton) assumed that "the Common weale [civil government]

and Church is yet but one, and hee that is banished from the one, must necessarily bee banished from the other also." Their churches were "implicitly National": church and state were joined.[50]

In response to the assertion in the *Cotton Letter* that "what was done by the Magistrates, in that kinde [the banishment order], was neither done by my counsell nor consent," Williams answered that Cotton "publickly taught, and teacheth. . . that body-killing, soule-killing, and State-killing doctrine of not permitting, but persecuting all other consciences and wayes of worship but his own in the civill State, and so consequently in the whole world, if the power or Empire thereof were in his hand." Furthermore, some who voted for the banishment "have solemnly testified, and with teares, since to my selfe confessed, that they could not in their soules have been brought to have consented to the sentence, had not Mr. *Cotton* in private given them advice and counsell, proving it just and warrantable to their consciences."[51]

Note that Williams here called the governmental imposition of religious conformity a "State-killing doctrine," thus negating the familiar cliché that Williams only wanted to protect the church from the state, not the state from the church. We shall have occasion to elaborate upon this point further.

With regard to Cotton's claim that Williams had uttered "other corrupt doctrines, which tend to the disturbance both of civill and holy peace," Williams responded that his public doctrines (discussed in Chapter 2) did not tend to "the breach of holy or civill peace, of which I have ever desired to be unfainedly tender," acknowledging the properly separate roles of civil magistrates and spiritual counselors. Civil and religious leaders "are Essentially distinct, and the confounding of them brings all the world into Combustion."[52]

After discussing at length the merits of Radical Separatism over Nonseparating Congregationalism, Williams concluded,

near the end of this tract, with a statement that was similar but not identical to Thomas Jefferson's famous "wall of separation" metaphor (see Chapter 9) more than 150 years later:

[Mr. Cotton has] not duly considered these following particulars:

> First, the faithfull labours of many Witnesses of *Jesus Christ*, extant to the world, abundantly proving, that the Church of the Jews under the Old Testament in the type, and the *Church* of the Christians under the New Testament in the Antitype, were both separate from the world; and that **when they have opened a gap in the hedge or wall of Separation between the Garden of the Church and the Wildernes of the world, God hath ever broke down the wall it selfe, removed the Candlestick, &c. and made his Garden a Wildernesse, as at this day.** And that therfore if he will ever please to restore his Garden and Paradice again, it must of necessitie be walled in peculiarly unto himselfe from the world, and that all that shall be saved out of the world are to be transplanted out of the Wildernes of world, and added unto his Church or Garden.[53]

It is true that, in context, Williams appears to be immediately concerned with the purity of the separated church and not with the dangers to civil society of a mixture of church and state. However, as will be discussed below, Williams's fully developed doctrine of separation of church and state recognized that both state and church suffer to the extent they are combined. If, as he indicated, *Mr. Cottons Letter Examined* was written years before it was published, this tract may be a reflection of his more youthful theological speculations. With the exception of a religious homily written for his wife, Williams's later works evince more clearly a

concern not only for religion but also for the benefits to civil government of separation of church and state. Moreover, as Williams realized, any mixture of church and state necessarily results in harm to religion as well as to government.

Queries of Highest Consideration (1644)

Within a few days of the publication of *Mr. Cottons Letter Examined*, Williams published *Queries of Highest Consideration*. The Thomason Date is February 9, 1644.[54] Unlike *Mr. Cottons Letter Examined*, however, *Queries of Highest Consideration* was published anonymously. This anonymity may account for the more straightforward tone of the *Queries*. This pamphlet sets forth plainly, for the first time to an English audience, Williams's doctrines of separation of church and state and liberty of conscience. These principles, which were quite unpopular in England at that time, did not need to be prudently understated in a predominantly theological disputation such as *Mr. Cottons Letter Examined*, because the author of the *Queries* was not identified.[55]

To understand the *Queries*, one must know the immediate historical background. The English Civil War between king and Parliament had been raging since 1642. During 1643 the royalists won a number of victories, and Parliament was divided as to how to proceed. The parliamentary leaders decided to send representatives, including Sir Henry Vane, to invite Scotland to participate in the war against the king. The Scots, who had already established a Calvinist Presbyterian theocracy in their homeland, were willing to join the parliamentary forces, but they had a price. They insisted, as a prerequisite to their involvement, that Parliament approve a document, entitled the *Solemn League and Covenant*, that would require England to establish a Calvinist Presbyterian theocracy. Notwithstanding Scottish desires, some language was inserted into the document, apparently by Henry

Vane, that made England's future established church status somewhat more ambiguous. As so modified, the English Parliament adopted the *Solemn League and Covenant* in September of 1643. Scotland had already approved it.[56]

Meanwhile, the Parliament had constituted the Westminster Assembly of Divines to make recommendations regarding a new established church for England. This large group of religious leaders was dominated by Presbyterians. However, five of the Westminster Assembly members were Congregationalists (dubbed "Independents" by their opponents), who opposed the emerging Presbyterian theocracy.[57] In about January of 1644, these five Congregational ministers published *An Apologeticall Narration, Humbly Submitted to the Honourable Houses of Parliament.*[58] This tract explained the basic principles of Congregationalism and how it differed from Presbyterianism. Significantly, the *Apologeticall Narration* supported the notion of referring religious disagreements to the civil magistrate.[59] It also referred respectfully to the Westminster Assembly.[60]

Roger Williams, writing anonymously, addressed his *Queries* to both the Scottish Presbyterian and the Congregationalist commissioners to the Westminster Assembly.[61] In an introductory address "*To the* Right Honourable *Both Houses of the High Court Of* Parliament," Williams sounded a prophetic note that characterized his forboding gloom about political and military developments in a society fractured by civil war and by past, present, and anticipated future religious persecution:

> *It is a wofull* Priviledge *attending all great* States *and* Personages, *that they seldome heare any other* Musick *but what is Known will* please *them.*
>
> *Though our* Musick *sound not* sweet, *but*¸ harsh, *yet please you first to Know, it is not fitted to your* Eares, *but to your* Hearts, *and the bleeding* Heart *of this afflicted* Nation.[62]

Williams next observed that he had violated the Parliament's censorship order by not obtaining a license for the publication of the *Queries*: "For *who can passe the many Locks and Bars of any the severall* Licencers *appointed by you with such a Message?*" By surrounding themselves with such licensors, "*it is rarely possible that any other* Light, *but what their Hemispheare affoords, shall ever shine on your* Honours *Souls* . . . ."[63] Later that year, John Milton similarly attacked the Parliament's 1643 prepublication censorship order in his famous tract *Areopagitica.*[64]

After making a passing reference to the disagreements between Presbyterians and Congregationalists, Williams stated that he would present these *Queries* to Parliament's view "*as respect[s] their joint Agreement* . . . ." Then Williams uttered a bold statement, considered heretical at the time, that "*the* Bodies *and* Goods" of English subjects, not their souls, are the charge of Parliament.[65] Failure to follow this principle had resulted in the very laws and statutes of England's Parliaments being used to draw the governmental sword "*that's daily drunke with* English Blood" in the name of Christianity.[66] Williams was referring immediately to the English Civil War.

Williams expressed hope that the Parliament would "exceed the Acts and Patternes *of all* Neighbor Nations"–that "*[i]t shall never be your* Honour *to this or future Ages, to be confined to the* Patterns *of either* French, Dutch, Scotch, *or* New-English Churches. *We humbly conceive some higher* Act *concerning* Religion, *attends and becomes your* Consultations . . . ."[67] He did not detail his solution in these prefatory remarks, but it would turn out to be nothing less than a principle unknown to most of human history up to that time—separation of church and state.

Williams then commenced his queries to the Congregational and Scottish Presbyterian commissioners. He questioned the warrant for the Westminster Assembly of Divines. He could find no New Testament authority for a gathering of clergy to devise

plans for establishing a state church. Puritans of all kinds were quite familiar with the Old Testament account of the worship of the golden calf as being the prototype of idolatry. Williams now discussed his concept of typology (previously briefly mentioned in the *Key* and *Mr. Cottons Letter Examined*): that such Old Testament stories were "types" or metaphors for later events. "We pray you to consider, if the golden Image be not a type and figure of the severall Nationall and State Religions, which all Nations set up and Ours hath done, for which the wrath of God is now upon Us?"[68]

Williams expressed doubt whether a national (established) church "can possibly be framed without a racking and tormenting of the Soules, as well as of the Bodies of persons, for it seems not possible to fit it to every conscience: sooner shall one suit of Apparell fit every Body, one Law president [precedent] every Case, or one Size of Last every Foot?"[69] This was also a radical idea. Previously, most people assumed that their particular religious group possessed the sole truth. People who disagreed should be burned at the stake or otherwise persecuted. Williams pointed the way to the modern concept of religious diversity.

Does not, asked Williams, enforced conformity lead to hypocrisy, "the Soothing up of people in a Formall State Worship to the ruine of their Soules: . . . and sooner or later, the Kindling of the devouring flames of Civill Warres, as all Ages justifie?"[70] England was then in the midst of a Civil War, but Williams considered it to be a universal truth, applicable in all times and places, that governmentally required religious conformity results in civil war. This is a good example of his using a secular argument for separation of church and state: civil peace was a recurring theme in his writings. In fact, one of the characters in his *Bloudy Tenent*, discussed later, is even named "Peace." Civil peace, he repeatedly taught, is destroyed by mandatory religious conformity and

its necessary concomitant, religious persecution. But peace also had a religious dimension:

> [S]ince the Lamb of God and Prince of Peace [Jesus] hath not in his Testament given us a Pattern, Precept or Promise, for the undertaking of a civill War for his sake: we Querie how with comfort to your Souls you may incourage the English Treasure to be Exhausted, and the English Blood to be spilt for the Cause of Christ?[71]

Williams readily granted that the civil magistrate should "execute vengeance against Robbers, Murtherers, Tyrants, &c." But Jesus rebuked his disciples when they wanted to exact vengeance against perceived religious offenders. "*My Kingdome is not of this world*," Williams quoted Jesus as saying (citing John 18:36).[72]

Williams was even willing to extend religious freedom to Roman Catholics, notwithstanding the history of Roman Catholic attempts, often aided by Spain or France, to depose the English monarch and reestablish Roman Catholicism as the official English religion. Given the politically seditious history of some Roman Catholics against the English government, Williams said he might have required some sort of security of them, the details of which are not explained. But the following passage is remarkable, especially considering that virtually all famous English commentators, including Milton and Locke, would not have extended liberty of conscience to Catholics.

> We Querie (if Securitie may be taken by the Wisdome of the State for civill Subjection) why even the Papists themselves and their Consciences may not be permitted in the World? For otherwise, if *Englands* Government were the Government of the whole World, not onley They, but a

> world of Idolaters of all sorts, yea the whole World must be driven out of the World?[73]

This was an extremely radical idea in mid-seventeenth-century Puritan England and was itself sufficient to justify Williams's anonymity in this tract. He broached an even more unpopular thought by querying "Whether the Common Body of Protestants, impenitent and unregenerate, be not further off Salvation, and lye not under a greater guilt. . . then does the body of ignorant Papists?" Anti-Catholic laws lasted in England (and in much of America) for additional centuries. Williams questioned whether "the Lawes inacted, and Violence offred even to the Consciences of the Papists themselves, have not kindled these devouring flames?"[74]

The seventeenth-century Puritan world was rife with millenarian interpretations of the book of Revelation in the New Testament. Williams himself wrestled with this text, but he questioned in the *Queries* (and elsewhere) whether anyone could be sure of its correct interpretation, especially an interpretation that would attempt to justify human violence.[75]

Both the Presbyterians and the Congregationalists accepted infant baptism. Williams posed several questions about the validity of their views of baptism and the Lord's Supper. Since the Puritans condemned the Anglican view of bishops as "Antichristian, how can we evidence the Seale of Baptisme true, which we have received from them?"[76] Here again is evidence that Williams sympathized with the Baptist view of adult believers' baptism, even though by this time he was no longer associated with a Baptist congregation.

In his final query, Williams summarized and elaborated upon several of the major points he had set forth earlier in the tract. Although he had advised the Parliament not to follow the patterns of other governments, including the Dutch, he here held up the example of "the States of *Holland* who tolerate, though

do not owne [agree with] (as you say) the several Sects amongst them which differ from them, & are of another *conscience* & *worship* . . . ." He suggested that the Dutch system was nearer to the pattern and command of Jesus in Matthew 13 "to permit the *tares* to have a civill being in the *field* of the *world*, untill the *harvest* [at] the end of it." Since Dutch toleration did not recognize complete separation of church and state, Williams did not unqualifiedly endorse it, but he inquired whether it was precisely because of the Dutch states' toleration that they had prospered "above any other State in the world, for the time, since such their wise Permission?"[77] Both the Dutch example and the parable of the wheat and the tares were discussed at greater length in Williams's subsequently published *Bloudy Tenent*, discussed in Chapter 5.

Williams questioned "[w]hether there can possibly be expected the least look of Peace, in these fatall Distractions and Tempests raised, but by taking Councel of the great and wisest Polititian that ever was, the Lord Jesus Christ, in this particular?"[78] Williams was here making a strikingly paradoxical and counterintuitive statement: Jesus's rejection of violence in religious matters and his separation of church and state ("My kingdom is not of this world") were precisely why, to Williams's mind, Jesus was the "wisest Polititian that ever was . . . ." Although Jesus had no involvement in politics, he was the quintessential politician. In contrast, the prevailing view that government should persecute religious nonconformists was "[o]pposite to the very Essentialls and Fundamentalls of the Nature of a Civill Magistracie, a Civil *Common weale* or *combination* of Men, which can only respect *civill* things" and also "[o]pposite to the civill Peace, and the lives of Millions, slaughter'd upon this ground, in mutuall persecuting each others Conscience, especially Protestant and the Papist."[79]

Williams's concluding sentence emphasized once again that his political philosophy had a secular as well as a religious basis:

"All this in all Ages **experience testifies**, which never saw any long liv'd Fruit of Peace or Righteousnesse to grow upon that fatall Tree" of religious persecution.[80]

The Patent for Providence Plantations (March 14, 1644)

As explained above, other colonies, especially Massachusetts Bay, had imperialistic designs on the Narragansett Bay settlements (called "plantations" in the seventeenth century). In December of 1643, Massachusetts agents Thomas Weld and Hugh Peter obtained from some English authorities what has been called the Narragansett Patent. This document purported to give Massachusetts jurisdiction over the mainland and island Narragansett communities, including Providence, Portsmouth, and Newport. However, the Narragansett Patent had not satisfied the necessary legal requirements, and Roger Williams pressed on with his own charter application. Although opposed by the Massachusetts representatives, Williams obtained proper legal approval of his patent on March 14, 1644. Williams's application was aided significantly by his publication of *A Key into the Language of America*, which was quite influential, and by his friendships with several important parliamentary leaders, including Sir Henry Vane, Sir William Masham (Williams's former employer at Otes), the second Earl of Warwick, and Oliver Cromwell.[81]

The March 14, 1644 patent granted a "free and absolute Charter of Civill Incorporation and Government" to a new colony to be known by the name of the "Incorporacion of Providence Plantations in the Narragansetts Bay in New England" (hereafter "Providence Plantations"). The patent was somewhat imprecise about the new colony's boundaries, stating simply that it was bordered on the north and northeast by the patent of Massachusetts, on the east and southeast by the patent of Plymouth, on the south

by the ocean, and on the west and northwest by the Narragansetts, "the whole tract extending about twenty five English Myles unto Pequot River & Countrey . . . .". As the Pequot River was later named the Thames River, the last-described boundary was farther west than the current Rhode Island-Connecticut boundary unless the Pequot River meant here was the Pawcatuck River (see Maps 1-6).[82]

The patent noted that various well-affected and industrious English inhabitants of the towns of Providence, Portsmouth, and Newport (all within the boundaries of the above-described tract) "have Adventured, to make a nerer neighborhood & sociaty, with that great body of the Naragansets wch may in time by the blessing of God upon theire endeavors Lay a surer foundation of hapines to all America; & have purchased, & are purchaseing of & amongst the said Natives some other Places, wch may be convenient both for Plantations, & also for building of shipps, supply of pipe staves & other merchandise." These English inhabitants had asked "to have theire hopefull beginnings approoved & Confirmed, by granteing unto them a free Charter of Civil Incorporation and Government that they may Order and Governe theire plantations in such manner as to maintaine Justice & peace both amongst themselves & towards all men with whome they shall have to doe." By granting this charter application, the English government recognized that the applicants had properly acquired land, and would properly acquire future land, by purchase from Native Americans as distinguished from an assumption that the English government owned all the land by virtue of its Christianity and could dispose of it by will. This was a major victory for Roger Williams and his then-novel approach to land acquisition in the New World.[83]

The patent granted the inhabitants of the towns of Providence, Portsmouth, and Newport

> full power & Authority to Governe & rule themselves, & such others as shall hereafter Inhabite within any part of the said tract of land by such a forme of Civill Government as by voluntary consent of all or the greatest part of them shall be found most suteable to theire Estates & Conditions, & to that Ende to make & ordain such Civil Lawes & Constitutions & to Inflict such punishments upon Transgressors, & for execution thereof so to place & displace officers of Justice as they or the greatest part of them shall by free consent agree unto. Provided neverthelesse that the said Lawes Constitutions & punishments for the Civil Government of the said plantacions be Conformable to the Lawes of England so farr as the nature & Constitution of tht place will admitt.[84]

This provision gave Providence Plantations the legal right, within the English colonial system, to self-government, including the promulgation and enforcement of criminal law. It allowed the new colony to devise its own form of government, subject to the laws of England as far as the nature and constitution of Providence Plantations would admit. The latter condition was probably understood to be rarely enforceable, as the majority of the parliamentary committee that granted the patent was likely sympathetic with the general political principles of the Narragansett Bay communities. Specifically, there was no requirement that Providence Plantations follow any religion that would be established in England. As we have seen, the future of established religion in England was a matter of debate in the Westminster Assembly and elsewhere. Providence Plantations was free to separate church and state and to recognize full liberty of conscience. In contrast to previous English colonial charters, no mention was made of

religion at all. Roger Williams had evidently obtained everything he wanted in this patent.

The March 14, 1644 charter appeared to recognize majority rule and perhaps a universal male franchise, though much depends on what it meant by "inhabitant." The exact form of government later established by Providence Plantations will be discussed in Chapter 6.

CHAPTER 5

The *Bloudy Tenent* Series (1644-52) and *Christenings make not Christians* (1646)

This glasse presents your *Honours* with *Arguments* from *Religion*, *Reason*, *Experience*, all proving that the greatest yoakes yet lying upon *English necks*, (the *peoples* and Your *own*) are of a *spirituall* and *soule* nature.

Roger Williams, "To the Right Honourable, both Houses of the High Court of *Parliament*," in *The Bloudy Tenent, of Persecution, for cause of Conscience, discussed, in a Conference betweene Truth and Peace. . . .* (1644)[1]

Introduction

Two of Roger Williams's 1643-44 writings were not published until after he obtained the charter for Providence Plantations. *The Bloudy Tenent* was published anonymously shortly before he left London, and *Christenings make not Christians* was published under his own name in 1646. *The Bloudy Tenent* sets forth Williams's political philosophy in considerable detail. It was framed as a disputation with John Cotton, who responded with *The Bloudy Tenent Washed* in 1647. Williams's reply, *The Bloody Tenent Yet More Bloody*, was published in 1652 during his later return visit to England. The philosophical aspects of that work will be discussed along with *The Bloudy Tenent* in the present chapter; consistent with the

early modern disputation genre, they address the same topics, and Williams's philosophical views did not significantly change between 1644 and 1652. Chapter 7 will describe the historical aspects of *The Bloody Tenent Yet More Bloody* insofar as they are unique to the political circumstances surrounding Williams's 1652 visit to England.

The present chapter also addresses *Christenings make not Christians*, which was published many months after Williams had returned home from his first trip to London. This writing is related to Williams's *Key into the Language of America*, discussed in Chapter 4, and was probably written at the same time as the *Key*. The reasons for its delayed publication are discussed in this chapter.

All of these writings were published in London. During the mid-seventeenth century the only printing house in New England was located in Boston, and this was unavailable to Roger Williams as a result of his banishment from that colony. Additionally, John Cotton and other important New England figures often published their major works in London.

The Bloudy Tenent Series

On August 9, 1644, the English House of Commons, dominated at that time by Presbyterians, ordered that the public hangman "do give Order for the publick Burning of one *Williams* his Booke, intitled, &c the Tolerating of all Sorts of Religion." The burning of Roger Williams's book took place in due course.[2]

The book in question, which had first appeared about July 15, 1644, was Williams's *The Bloudy Tenent, of Persecution, for cause of Conscience, discussed, in* A *Conference* betweene *Truth and Peace . . . .*[3] It was illegally published without the governmental licensor's preapproval, and neither the author nor the printer was identified on or between its covers. However, as evidenced by the House

of Commons order, the author had become known by August 9, 1644. By then, fortunately, Roger Williams was on a ship back to America.[4]

Notwithstanding the burning of the book, a second printing of it appeared later that year. This impression had a slightly different title: *The Bloudy Tenet, of Persecution, for Cause of* Conscience, *discussed, in A Conference* betweene *Truth and Peace* . . . .[5] In this second printing, some of the errata listed at the end of the first impression were internally corrected. Otherwise, the text was the same. However, the second printing changed the word "*Tenent*" in the original title to "*Tenet*." Later printings of the work restored the original term "*Tenent*," and the book was referred to in subsequent years, decades, and centuries as *The Bloudy Tenent*. The word "tenent," which became obsolete sometime during the eighteenth century, was used in the seventeenth century in its original Latin meaning of the opinion of a number of people, as distinguished from the word "tenet," which was the opinion of one person.[6]

The Bloudy Tenent was written during Williams's 1643-44 visit to London. Referring to himself in the third person, Williams observed in his 1652 sequel, *The Bloody Tenent Yet More Bloody*, that he wrote the earlier book when "his time was eaten up in attendance upon the service of the *Parliament* and *City*, for the supply of the poor of the *City* with *wood* (during the stop of coale from *Newcastle*, and the mutinies of the poor for firing [lack of coal or other fuel].)"[7] During the brutal winter of 1643-44, Newcastle—the main source of London's coal supply—was under the control of the royalists, and Parliament banned all importation of coal from Newcastle until it could take over that town. During the inevitable extreme shortage of coal, Parliament requested individuals to bring in fuel for the poor, and Williams obliged by supplying wood. As Professor Ola Elizabeth Winslow observed, "A Merchant Taylor's son with nearly thirteen years of pioneering

experience behind him would need no instructions as to how to arrange for finding, cutting, and transporting the needed cords of wood from outlying districts, and no doubt making scores of friends the while."[8]

Accordingly, Williams later wrote, "these *meditations* [*The Bloudy Tenent*] were fitted for publike view in change of *roomes* and *corners*, yea sometimes (upon occasion of travel in the *country*, concerning that business of *fuell*) in variety of strange *houses*, sometimes in the *fields*, in the midst of *travel*; where he hath been forced to gather and scatter his loose *thoughts* and *papers*."[9]

The Bloudy Tenent was a lengthy response (more than 250 pages in the original) to a letter (described below) written by John Cotton. In 1647, Cotton responded with his 195-page *Bloudy Tenent Washed*.[10] Williams's reply, *The Bloody Tenent Yet More Bloody*, was well in excess of three hundred pages.[11] "In the 17th century, theological controversy stretched out interminably because its etiquette, its dialectic, required the protagonists to dot every 'i' and cross every 't.'"[12] Although this particular disputation was not limited to theological argumentation, these three works did adhere to the usual form, replete with numerous iterations detailing minute subissues. These writings are accordingly quite difficult for the twenty-first-century reader to follow. We shall attempt to summarize some of the main arguments. Necessarily, much detail will have to be omitted, but some of Williams's principal themes are still relevant today.

The Bloudy Tenent begins with an untitled three-page summary of its contents, organized in twelve numbered paragraphs.[13] Seventeenth-century England, continental Europe, and New England were obsessed with religious issues, and most of the arguments for religious conformity and persecution of "heretics" in those countries were based on interpretations of the Christian Bible. Hence, Williams's summary and the book itself contain several points that are theological in nature: "First, That the blood of

so many hundred thousand soules of *Protestants* and *Papists*, spilt in the *Wars* of *present* and *former Ages*, for their respective *Consciences*, is not *required* nor *accepted* by *Jesus Christ* the *Prince* of *Peace*." Williams observes as his second point that "[p]regnant *Scripturs* and *Arguments* are throughout the Worke proposed against the *Doctrine* of *persecution* for *cause of Conscience*." The third paragraph notes that *The Bloudy Tenent* refutes the scriptural citations and religious arguments in favor of persecution for cause of conscience given by the likes of John Calvin, Theodore Beza, John Cotton, and the ministers of the New England churches. Implicitly referencing Revelation 6:9-10, Williams states as his fourth point that "[t]he *Doctrine of persecution* for cause of *Conscience*, is proved guilty of all the *blood* of the *Soules* crying for *vengeance* under the *Altar*." His sixth numbered argument is that Jesus taught and intended that "a *permission* of the most *Paganish*, *Jewish*, *Turkish* [Muslim], or *Antichristian consciences* and *worships*, bee granted to *all* men in all *Nations and* Countries" and that the only sword properly used and effective in soul matters is "the *Sword of Gods Spirit*, the *Word* of *God*." The seventh point addresses Williams's typology: the Old Testament, insofar as it seems to favor theocracy, "is proved *figurative* and *ceremoniall*, and no *patterne* nor *president* [precedent] for any *Kingdome* or *civill state* in the world to follow."[14]

Williams's summary also includes arguments that, although they may have some religious overtones, are essentially secular in nature: "Fifthly, All *Civill States* with their *Officers* of *justice* in their respective *constitutions* and *administrations* are proved *essentially Civill*, and therefore not *Judges*, *Governours* or *Defendours* of the *Spirituall* or *Christian state* and *Worship*." The eighth point is that enforced religious uniformity in a state "is the greatest occasion of *civill Warre*, *ravishing* of *conscience*, *persecution* of *Christ Jesus* in his servants, and of the *hypocrasie* and *destruction* of *millions* of *souls*." The tenth paragraph states that "[an inforced *uniformity* of *Religion* throughout a *Nation* or *civill state*, confounds the *Civill*

and *Religious*, denies the principles of Christianity and civility [secular government and society], and that *Jesus Christ* is come in the Flesh." The penultimate paragraph observes that only the permission of other consciences and worships can "procure a firme and lasting *peace*, (good *assurance* being taken according to the *wisdome* of the *civill state* for *uniformity* of *civill obedience* from all sorts.)" Finally, "true *civility* and *Christianity* may both flourish in a *state* or *Kingdome*, notwithstanding the *permission* of divers and contrary *consciences*, either of *Jew* or *Gentile*."[15]

Williams's summary speaks of a "permission" of dissenting consciences and, in the eleventh paragraph, speaks of "other *consciences* and *worships* then a state professeth . . . ." It must be remembered that he was addressing an English audience that was accustomed to an established church. His fully articulated political philosophy, as implemented in Providence and later in Rhode Island generally, called for complete separation of church and state as well as absolute liberty of conscience. For now, he had to make some accommodation to a public that was mostly hostile to his ideas.[16]

After summarizing the contents of *The Bloudy Tenent*, Williams proceeded with a four-page address "To the Right Honorable, both Houses of the High Court of *Parliament*." His salutation is "Right Honourable and Renowned Patriots." He begins with the premise that "your taske (as *Christians*) is to save the *Soules*, but as *Magistrates*, the *Bodies* and *Goods* of others."[17] In this opening sentence, Williams epitomizes the entirety of the argument of *The Bloudy Tenent* and, later, *The Bloody Tenent Yet More Bloody*. The unspoken but necessary link in this logical chain is that civil magistrates have no business, **as magistrates**, in trying to save the souls of others. Had Europe and America always observed this principle, the Crusades, the inquisitions, the religious wars between Catholics and Protestants, the intramural religious wars among Protestants, the religious persecutions of "heretics," and

the discriminations against religious dissenters would never have happened in the long history of "Christendom."

"This glasse," wrote Williams, "presents your *Honours* with *Arguments* from *Religion*, *Reason*, *Experience*, all proving that the greatest yoakes yet lying upon *English necks*, (the *peoples* and Your *own*) are of a *spirituall* and *soule* nature."[18] It is fashionable in some circles to portray Williams as being motivated solely by religious considerations and arguments, thus limiting him to being a man of the seventeenth century. But although religion certainly entered into part of Williams's argumentation, it was not the only factor that influenced him. Here, he explicitly states that arguments from reason and experience, as well as from religion, dictate the principles of separation of church and state and liberty of conscience that inform *The Bloudy Tenent*. Williams would not have been the great statesman that he was if his concerns had been limited to religious piety.

Williams reminded the members of Parliament that "the *Acts* and *Statutes* concerning *Soules*" had not yet been repealed, that "*Bodies* [were still] *impoverished, imprisoned,* &c. for their *soules* beliefe, yea slaughtered on heapes for *Religions* controversies in the *Warres* of present and former Ages."[19] Williams concluded his address to the parliamentarians by requesting that they abandon attempting to enforce religious conformity by civil force and violence.[20]

In accordance with seventeenth-century convention, *The Bloudy Tenent* next contained a three-page section entitled "To every courteous Reader." Williams here spoke of "[t]he bloody irreligious and inhumane *oppressions* and *destructions* under the maske or vaile of the Name of *Christ*, &c." Williams requested his readers to continue searching for religious truth, notwithstanding persecution and notwithstanding financial disadvantage: "we must not let goe for all the flea bitings of the present afflictions, &c. having bought Truth deare, we must not sell it cheape, not the least grain of it for the whole World . . . ."[21]

The main part of *The Bloudy Tenent* begins with the text of arguments against religious persecution "written long since" by an unnamed prisoner at Newgate Prison in London. This writing, as quoted by Roger Williams, was part of a larger tract that was published in 1620. The author was apparently John Murton (1585-ca. 1626), an Anabaptist who was confined for about a decade to Newgate for his religious beliefs. Murton and other some other Anabaptists, notably Balthasar Hubmaier (ca. 1480-1528), advocated some of the same doctrines regarding liberty of conscience and separation of church and state that appeared in Williams's *Bloudy Tenent* and other publications and correspondence. Accordingly, it appears that Williams was influenced by the Anabaptists. He acknowledges this debt by opening *The Bloudy Tenent* proper with the extended excerpt from Murton's *Humble Supplication*.[22]

This extract begins with Jesus's parable of the wheat and the tares as set forth in Matthew 13:24-30, 36-43. In this parable, a sower sowed wheat seed in his field, but an enemy sowed tares (a type of weed) among the wheat seeds while the owner was sleeping. The tares became apparent when the grain sprouted and began to produce a crop. The owner's servants offered to remove the tares, but the owner declined, saying that they might uproot the good wheat with the tares. The owner said, "Let both grow together until the harvest, and at the time of harvest I will say to the reapers, 'First gather together the tares and bind them in bundles to burn them, but gather the wheat into my barn.'"[23]

Although Jesus spoke this parable to the multitude, he later gave a private explanation to his disciples: "He who sows the good seed is the Son of Man [Jesus]. The field is the world, the good seeds are the sons of the kingdom [of God], but the tares are the sons of the wicked *one*. The enemy who sowed them is the devil, the harvest is the end of the age, and the reapers are the angels. Therefore as the tares are gathered and burned in

the fire, so it will be at the end of this age. The Son of Man will send out His angels, and they will gather out of His kingdom all things that offend, and those who practice lawlessness, and will cast them into the furnace of fire."[24]

This parable was repeatedly used during the early modern era to counteract the theological arguments for religious persecution. According to the proponents of freedom of conscience, Jesus did not intend for government (or anyone else) to persecute heretics. Rather, this was to be the sole responsibility of the Son of Man at the end of the age or, as Christians now say, the Last Judgment.

This was the interpretation of the parable given in Williams's excerpt from Murton's tract. The excerpt also interpreted other parables and scriptural references in a manner that favored liberty of conscience. It quoted many statements of famous monarchs and other writers supporting liberty of conscience and concluded with an argument, based largely on scriptural history, that religious freedom did not threaten the civil state.[25]

According to *The Bloudy Tenent*, the prisoner had written his arguments in milk (invisible ink) on sheets of paper that were smuggled out of the prison. Williams stated that the prisoner's arguments were sent by John Hall "some while since" to John Cotton.[26] *The Bloudy Tenent* sets forth Cotton's reply, which responded, point-by-point, to the prisoner's text.[27] Cotton's answer according to Williams, "is returned in *bloud: bloudy* & slaughterous *conclusions; bloudy* to the *souls* of all men, forc'd to the *Religion* and *Worship* which every civil State or Common-weale agrees on, and compells all subjects to a dissembled *uniformitie*."[28]

Cotton's letter argued that the "tares" referred to in the parable were hypocrites in the church, not heretics outside the church.[29] This view corresponded with the commentary on the parable in the Calvinist Geneva Bible as well as with the interpretation of John Calvin himself. Although Calvin acknowledged

that Jesus explained that "[t]he field is the world" (Matthew 13:38), Calvin claimed that by "world" (*kosmos* in the Greek), Jesus meant the church, not the world in general. Accordingly, wrote Calvin, "[t]his passage has been most improperly abused by the Anabaptists, and by others like them, to take from the Church the power of the sword." After alleging that the parable did not refer to "doctrine," Calvin asserted that "[w]ith respect to morals, those faults of men which cannot be corrected must be endured; but we are not at liberty to extend such a toleration to wicked errors, which corrupt the purity of faith." In other words, doctrinal errors must be punished by the magistrate in the here and now. Moral errors among members of the church must await the final judgment of Jesus Christ. Calvin practiced what he preached. At his request, the civil magistrates of Geneva executed Servetus and persecuted several others for doctrinal heresy (see Appendix B).[30] Cotton's letter expressly approved of Calvin's procurement of Servetus's execution: "*Calvin's* judgement is well known, who procured the death of *Michael Servetus* for pertinacie in *Heresie*, and defended his fact by a Book written of that argument."[31]

Williams emphatically agreed with the prisoner's interpretation of the parable of the wheat and tares and disagreed with that of Cotton and Calvin.[32] The "tares" are not hypocrites within the church but rather "Idolaters, False-worshippers, Antichristians, who without discouragement to true Christians must be let alone and permitted in the world . . . until the great Harvest shall make the *difference*."[33] "The field in which these *Tares* are sowne, is not the *Church*" but rather "properly the *World*, the *Civill State* or *Common-wealth*."[34] Detailed argumentation about the meaning of this parable continued in Cotton's *Bloudy Tenent Washed* and in Williams's *Bloody Tenent Yet More Bloody*.[35] At stake, for devout Christians, was whether Jesus approved of governmental persecution of (or discrimination against) those who did not accept the

particular theological doctrines of Calvin and Cotton. Cotton answered this question in the affirmative, albeit with some rather specious qualifications. Williams answered in the negative: even assuming, for the sake of argument, that any particular religious doctrine were true, the dissenters from that doctrine should never be prosecuted or otherwise persecuted by the civil state, and no religious minister should attempt to foment such persecution. The *Bloudy Tenent* series contained hundreds of pages of disputation regarding such biblical passages, and we shall not attempt to summarize those other exegetical controversies here. Rather, the remainder of this section will focus on matters that are of interest not only to Christians but also to people of any other faith or people of no faith.

The Bloudy Tenent and *The Bloody Tenent Yet More Bloody* mainly consist of dialogues between fictional characters named "Truth" and "Peace." The character "Truth" is obviously a stand-in for Williams himself. The character "Peace" serves a role of framing questions and problems for "Truth" to answer; she also sometimes gives her views on substantive matters. It is an interesting use of the dialogic form. At the end of *The Bloudy Tenent* a third character appears: "Patience." Truth refers to her as "[o]ur Sister *Patience*, whose desired company is as needfull as delightfull . . . ." Although her entrance is accompanied by Truth's millenarian musings, her presence also seems necessary as a result of the prevailing doctrine of persecution for cause of conscience.[36] Notwithstanding the Anabaptists, Williams, and others, the principles of liberty of conscience and separation of church and state were not to become generally accepted for additional centuries and are still not universally accepted today.

The dialogic portion of *The Bloudy Tenent* (pages 15-247 in the original edition) was further divided into two major parts: (1) a discussion of Cotton's letter responding to the prisoner's

arguments, and (2) a discussion of *A Model of Church and Civil Power*, which Williams believed was composed by Cotton along with other New England ministers.[37] Cotton denied that he was an author of the *Model*, and he discussed it in only four pages of *The Bloudy Tenent Washed*. Still, in this brief discussion, Cotton attempted to justify his fellow New England ministers' program of merging church and state for the purposes of enforcing the First Table (religious laws) of the Ten Commandments and persecuting religious dissenters.[38]

The prisoner's text cited an early writing of Martin Luther for its statements that the civil magistrate should have authority only over the bodies and goods of his subjects, not over religious matters, and that the church should use only the spiritual weapon of exhortation, not physical compulsion.[39] But Cotton's letter argued that "this hindreth not that *Christians* sinning against *light* of *Faith* and *Conscience*, may justly be censured . . . by the *Civill Sword* . . . in case they shall corrupt others to the perdition of their *Soules*."[40] Williams agreed with Luther's original statement and argued that Cotton's position was self-contradictory in violation of "the light of *Reason* it selfe . . . ."[41] Cotton then stated that he did not remember ever saying that the magistrate's power extends no further than the bodies and goods of his subjects.[42] Williams continued to disagree with Cotton's analysis in *The Bloody Tenent Yet More Bloody*.[43]

Neither Williams nor Cotton addressed the significant change in Luther's political philosophy on such issues after his Reformation had become more successful. By 1529, Luther thought that Anabaptists should be banished.[44] As one scholar has observed, "Sometimes [Luther] speaks of the death penalty for papists and Anabaptists, sometimes he thinks banishment sufficient. But in any case the Word should be supported by the sword of the civil magistrate."[45] Late in his life Luther waged a rhetorical campaign against the Jews, advocating the burning of their synagogues and

other persecutory measures, and leaving an anti-Semitic legacy in Germany and elsewhere that lasted for centuries.[46]

Williams demanded liberty of conscience for people of all religions and even for "such as know no *Church* estate, nor *God*, nor *Christ*," that is, people we now call atheists, agnostics, or secular humanists. He opposed what he called Cotton's "*partiality*, that none but such as truly feare God should enjoy *Libertie* of *Conscience* . . . ." This would require people who did not meet this requirement to "*dissemble* a *Religion* in hypocrisie, or else be driven out of the *World*: One must follow." In any case, who would judge who are those who truly fear God? The task would fall on the civil magistrate, who was clearly unqualified to make such judgments. Since the sovereign power of all civil authority is founded on the consent of the people, this would mean that the majority of the populace would ultimately be the judge of religious orthodoxy, a result that Williams found totally abhorrent.[47] That magistrate "goes beyond his *commission*, who intermeddles with that which cannot be given him in *commission* from the people . . . ."[48] Williams may have had some democratic leanings in civil political matters, but he did not think that true religion could be determined by majority vote. More than a century before Jefferson and Madison, he taught that the rights of conscience should not be adjudicated or modified by the political process. Those rights were "unalienable" in the words of the 1776 Declaration of Independence: they had not been delegated to political authority under the social contract. Williams essentially said in 1644 what Jefferson and Madison were to say in the late eighteenth and early nineteenth centuries:

> *Truth*. Kings and Magistrates must be considered (as formerly) invested with no more *power* then the *people* betrust them with.

> But no People can betrust them with any *spirituall* power in matters of *worship*, but [only] with a Civill power belonging to their *goods* and *bodies*.[49]

Anticipating the First Amendment to the U.S. Constitution, Williams held that a person should neither be "*constrained* to yield obedience to such *doctrines* and *worships*" dictated by the state (Establishment Clause) nor "persecuted because he holdeth or practiseth what he beleeves in *conscience* to be a *Truth*" (Free Exercise Clause).[50] Such freedom from constraint or restraint in spiritual matters was subject, of course, to the requirement that a person be "without *breach* of the Civill or *Citie-peace*, properly so called."[51] For example, citing an actual case in Ireland, Williams stated that a person could not burn his child in imitation of Abraham and escape criminal punishment, even though he did it under pretense of zeal and conscience. "In such *cases* it may be truly said, the *Magistrate* beares not the *sword* in vaine . . . ."[52]

Although Williams believed, following Romans 13, that the institution of civil magistracy was ultimately from God, he did not think that magistrates were directly appointed by God or had any duties regarding spiritual matters. Indeed, civil magistracy, being almost universal among Christian and non-Christian states alike, is "of God from the *light* of nature . . . ."[53] Natural law, rather than divine law, is the proximate reason for civil magistrates, and "[t]his *civill* Nature of the *Magistrate* we have proved to receive no *addition* of *power* from the *Magistrates* being a *Christian*, no more then it receives *diminution* from his not being a *Christian* . . . .".[54] Accordingly, church membership and religious test oaths, as required in seventeenth-century Massachusetts Bay, are not proper legal requirements for governmental leaders.[55]

Taxes are rightly paid to the civil governors, whether Christian or not, "by all sorts of men, *Natives* and *Foreigners*, who enjoy the

same benefit of *publick peace* and *commerce* in the *Nation*."[56] "It is reasonable to expect and demand of such as live within the *state* a *civill maintenance* of their *civill officers*, *and to force it where it is denyed*."[57] However, contrary to general seventeenth-century New England practice, civil magistrates have no right to compel financial assistance to support religious activities or to require attendance at religious services.[58] To make people keep "one day in seven to the *Christians God*" and to "come to the *Christians Church* all their dayes" constitutes an improper establishment of religion: "And what is this but a setled formality of *Religion* and *Worship*, unto which a people are brought by the power of the sword?"[59]

Williams taught that Massachusetts Bay improperly limited the electoral franchise to church members.[60] Individuals, regardless of their religious affiliation, have "*naturall* & *Civill Rights* and *Liberties*."[61] Although not all persons residing within a political community are freemen, their civil status should not depend on taking religious oaths, either for purposes of guaranteeing political loyalty or for testifying as a witness or serving as a juror in court.[62] Williams objected to the apparently successful attempts of a minister in Taunton (Plymouth Colony) to restrict land distribution to church members and to categorize those not belonging to a church as "*Gibeonites*, *hewers* of wood, and *drawers* of water for the service of them that were of the *Church*." The character named Peace in *The Bloudy Tenent* commented that "I know what *troublesome Effects*, followed in the same place, and what *Breaches* of *Civill and humane Society*? What *Departures* of divers [several people], and *Barres* to the *coming* of others, to the *spoile* and *hindrance* of a most likely and growing *Plantation*."[63]

Contrary to the prevailing ethos of his age, Williams supported freedom of the press, even to the extent of reading forbidden books:

> [I]t is a glorious *Character* of every true *Disciple* or *Scholler* [student] of *Christ Jesus*, to be never too *old to learn*.
>
> It is the *Command* of *Christ Jesus* to his *Schollars*, to try all things [1 Thess. 5:21]: And *Libertie* of trying what a *Friend*, yea what an (esteemed) *Enemie* presents, hath ever (in point of *Christianity*) proved one especial means of attaining to the *truth* of *Christ*.
>
> For I dare confidently *appeal* to the *consciences* of *Gods* most *knowing servants*, if the *observation* be not true, to wit, that it hath been the common way of the *Father of Lights*, to inclose the *Light* of his holy *Truths*, in dark and obscure, yea and ordinarily in *forbidden Books*, *persons* and *Meetings*, by Sathan stiled Conventicles.[64]

Additionally, Williams stated that it should not be "a *crime*, humbly and peaceably to question even *Lawes* and *Statutes*, or what ever is even publickly taught and delivered . . . ."[65]

Neither confidence of possessing the truth "no nor the *Truth* it self" privileges anyone to persecute others on the ground of religion or to exempt oneself from persecution once one claims the right to persecute others.[66]

Williams also wrote that people who have not wronged others in body or goods "justly should not be punished in their *goods* or persons."[67] Notwithstanding this libertarian statement, Williams, in common with virtually everyone else of his age, believed that laws could legitimately address certain moral (but not spiritual or philosophical) matters that have largely disappeared, within the past century or so, from American criminal law or have not been enforced (see Chapter 6). For example, Williams supported laws criminalizing adultery. However, he considered this legal proscription (apart from the special and typical case of Israel) to be derived from natural and positive

law rather than from divine revelation. For example, he did not support capital punishment, as mandated by the Old Testament, for adultery. Rather, citing 1 Peter 2:13 ("submit yourself to every ordinance of man" (NKJV)), he argued that nations could adjust their respective criminal laws according to "their severall *Natures*, *Dispositions* and *Constitutions*, and their *common peace* and *wellfare*."[68]

Similarly, although marriage ultimately is of God, it is, "an *estate* meerly *civil* and humane [human], and lawfull to all *Nations* of the World, that know not God."[69]

Williams also recognized that the state had a duty to punish defamatory language made in a civil context. But a judicial action regarding slanderous statements made in spiritual matters should be dismissed.[70] When Williams spoke of "incivility and unrighteousness of tongue," he was probably referring to civil defamation.[71]

Williams cited the Separatist John Robinson (with whom he disagreed on some issues) for the observation that such people who conscientiously converted to Catholicism, as believing that to be the truer way to heaven and salvation, "were ordinarily more conscionable, loving, and peaceable in their dealings, and neerer to Heaven then thousands that follow a bare common *trade* and *roade* and *name* of *Protestant Religion*, and yet live without all *Life* of *Conscience* and *Devotion* to *God*, and consequently with as little *love* and *faithfulnesse* unto *Men*."[72] This was a remarkable statement for Williams to make in an exceedingly anti-Catholic country like seventeenth-century England. It is reminiscent of his understanding of and empathy with American Indians, as discussed above in Chapters 2-4.

One of the principal themes of *The Bloudy Tenent* and *The Bloody Tenent Yet More Bloody* is that liberty of conscience and separation of church and state promote civil peace while governmental religious persecution disrupts it. What is civil peace, asked

Williams, "but *pax civitatis*, the peace of the Citie, whether an *English* City, *Scotch*, or *Irish* Citie, or further abroad, *French*, *Spanish*, *Turkish* City, &c"?[73] "Hence it is that so many glorious and flourishing *Cities* of the World maintaine their *Civill* peace, yea the very *Americans* [Native Americans] and wild *Pagans* keep the peace of their *Towns* or *Cities*; though neither in one nor the other can any man prove a true *Church* of God in those places, and consequently no spirituall and heavenly peace . . . ." Spiritual peace, whether true or false, is "of a higher and farre different nature from the Peace of the place or people, being meerly and essentially *civill* and *humane*." A church is like any other company in a society in that it "may dissent, divide, breake into *Schisms* and *Factions*, sue and implead each other at the *Law*, yea wholly breake up and dissolve into pieces and nothing, and yet the *peace* of the *Citie* not be in the least measure impaired or disturbed; because the *essence* or being of the *Citie*, and so the *well-being* and *peace* thereof is essentially distinct from those particular *Societies* . . . ."[74]

These thoughts about the nature of civil society led Williams to a profound understanding of the concept of civility:

> And notwithstanding these spiritual oppositions in point of *Worship* and *Religion*, yet heare we not the least noyse (nor need we, if Men keep but the Bond of *Civility*) of any *Civil breach*, or *breach of Civill peace* amongst them: and to persecute Gods people there for Religion, that only was a breach of Civilitie itself.[75]

Although Roger Williams was a deeply religious man, he understood that religion must be separated from the sphere of civil government, both for the sake of religion and for the sake of civil government itself. Commingling the spiritual and the civil state confounds and overthrows "the *puritie* and *strength* of both."[76] It "*corrupts* and *spoiles* the very *Civill Honestie* and *Naturall Conscience*

of a *Nation*."[77] Williams acknowledged the popular belief in England that Protestants professed greater honor and subjection to the civil magistrate than Catholics. "But let *plaine English* be spoken and it will be found that the *Protestant cleargie* (as they will be calld) ride the *backs* and *necks* of *Civill Magistrates*, as *fully* and as *heavily* (though not so pompously) as ever the [Catholic church] sat [on] the *backs* of *Popish Princes*."[78] Failure to separate the religious and civil spheres inevitably results in disturbance of the civil peace.[79] Contrary to the views of many in England and America, history proves that civil government can be successful without any combination with Christianity. "[A]ll *Reason* and *Experience*" show that people of many different religions and consciences can be "peaceable and quiet *Subjects*, loving and helpful *neighbours*, faire and just *dealers*, true and loyall to the *civill government*" without any conflation of church and state.[80]

Christenings make not Christians (1646)

Williams's *Key into the Language of America*, published in 1643 and discussed above in Chapter 4, made three references to a separate essay on the conversion of the Native Americans to Christianity. In prefatory material, Williams stated that "I shall further present you with a briefe, Additionall discourse concerning this Great Point" of the conversion of the American Indians.[81] In the sixteenth of thirty-two chapters of the *Key*, Williams remarked on "a sinful opinion amongst many that Christians have right to *Heathens* Lands: but of the delusion of that phrase, I have spoke in a discourse concerning the *Indians* Conversion."[82] At the end of his Table of Contents (after the last page of the text), he added this sentence: "I have further treated of these *Natives* of *New-England*, and that great point of their *Conversion* in a little additionall *Discourse* apart from this."[83] Having experienced a classical education at Cambridge, it can hardly be considered an

accident that Williams mentioned this additional discourse at almost exactly the beginning, middle, and end of the *Key*.[84]

The second and third references in the *Key* to the additional discourse indicate clearly that it had already been written. But no such essay appeared in print until many months after Williams had returned home from his first return visit to England. Scholars agree that the additional writing to which Williams referred in the *Key* was his *Christenings make not Christians, or A Briefe Discourse concerning that name* Heathen, *commonly given to the Indians. As also concerning that great point of their* Conversion. The name "Roger Williams" appeared at the end of the text but not on the title page. This pamphlet, which originally appeared in or about January of 1646,[85] was only twenty-one pages in length. Since it had apparently already been written at the time of the publication of the *Key* in 1643, why did Williams not include it in that book, perhaps as an appendix? It has been suggested, probably correctly, that Williams delayed publication of *Christenings make not Christians* until after he had obtained the patent for Providence Plantations and returned home, because this brief essay contained radical arguments that might have jeopardized his political objective of obtaining a charter for the new colony.[86]

What were these incendiary arguments?

Williams begins with a careful, philological examination of the word "heathen." The Hebrew and Greek words translated as "heathen," sometimes even in the Bible, "signifieth no more then *Nations* or *Gentiles* . . . ." Williams objected to the application of "the word *Heathen* to the Indians that go naked, and have not heard of that One-God . . . ."[87]

In the Old Testament, the term properly translated "nations" or "Gentiles" meant peoples other than the Jews, who were considered to be the chosen people of God. In Williams's theology, the New Testament changed this meaning so that "the onely People of God" are now the followers of Jesus, regardless of national

identification. "Who are then the *nations*, *heathen*, or *gentiles*, in opposition to this *People of God?* I answer, All People, *civilized* as well as *uncivilized*, even the most famous States, Cities, and the Kingdomes of the World: For all must come within that distinction. I Cor. 5. *within* or *without*." The true followers of Jesus and their churches are the only people "within" Christianity. Everyone and everything else are "without." Thus, the terms "Christian world" and "Christendom" are misnomers. Only individuals and their churches, insofar as they follow Jesus, can properly be called "Christian." Cities, states, and groups of states should not be called "Christian," because many people within those political societies are not, in fact, Christians, and Jesus and Paul were focused on individuals and their churches, not on political organizations.[88] Williams had been making this argument since before his banishment from Massachusetts (see Chapter 2), but this was the first time he was making it in such a clear manner to an English audience accustomed to using such terms as "Christendom" and "Christian world" as a matter of course in their everyday speech.[89]

In this Christian world or Christendom, "men stand upon their tearmes of *high opposition* between the CHRISTIAN and the TURKE [Muslim], (the Christian shore, and the Turkish shore) [,] between the CHRISTIANS of this Christian WORLD and the JEW, and the CHRISTIAN and the HEATHEN, that is the naked *American* [American Indian]."[90]

Protestants obtained the concept and many of the practices of "Christendom" from the Catholic Church, which Williams, like other seventeenth-century Protestants, believed was the "Beast" identified in the book of Revelation. Among these borrowings was that of "NATIONALL CHURCHES in false MINISTERIES . . . ." "If now the bodies of Protestant Nations remaine in an unrepentant, unregenerate, naturall estate, and so consequently farre from hearing the admonitions of the Lord Jesus," then, as Jesus said, "they

are but as *Heathens* and *Publicans* . . . ." Because many Protestants observe only the externals of worship, they do not yet know "what it is to come by true Regeneration within . . . ." Accordingly, not being truly converted, they are still "*Heathens* or *Gentiles*"—"without" rather than "within" the truly Christian community.[91]

Europeans, said Williams, are greater sinners than Native Americans. Additionally, the American Indians "are intelligent, many very ingenuous, plaine-hearted, inquisitive and (as I said before) prepared with many convictions, &c." Sharing a common Protestant view of Catholic conversions of Native Americans (in Latin America), allegedly derived in part from Catholic historians themselves, Williams remarked: "what monstrous and most inhumane conversions have they made; baptizing thousands, yea ten thousands of the poore Natives, sometimes by wiles and subtle devices, sometimes by force compelling them to submit to that which they understood not, neither before nor after such their monstrous Christning of them."[92]

With regard to New England, Williams said, "I know it to have been easie for my selfe, long ere this, to have brought many thousands of these Natives, yea the whole country, to a far greater Antichristian conversion then ever was yet heard of in *America*." He could have "brought the whole Country to have observed one day in seven," to "have received a *Baptism* (or washing) though it were in *Rivers* (as the first *Christians* and the Lord *Jesus* himselfe did)," to have come "to a *stated Church meeting*, maintained priests and formes of prayer, and a whole forme of *Antichristian* worship in life and death." This is no cause for wonder since "the power of prevailing forces and armies hath done this in all the *Nations* (as men speake) of *Christendome*." Williams wrote that he had been reticent in conversion efforts because "woe be to me if I call that conversion unto God, which is indeed subversion of the soules of Millions in *Christendome*, from one false worship to another . . . ." He then elaborated on what he considered to be a true conversion.[93]

But Williams realized that the foregoing considerations would not satisfy some of his readers: "If any now say unto me, Why then if this be *Conversion*, and you have such a *Key* of *Language* and such a dore of *opportunity*, in the knowledge of the Country and the inhabitants, why proceed you not to produce in *America* some patternes of such conversions as you speake of?" Williams responded that he had facility in the Algonquian language "[i]n matters of Earth," but that he (or anyone else desiring to convert the Natives) required "a further degree of the Language, as to be able in propriety of speech to open matters of salvation to them." He said he continued to attempt to obtain such "a propriety of Language." His main obstacle, however, appeared to be that he did not feel that he had a commission from God to attempt to convert the indigenous peoples. This doubt had to do with his Seekerism and his unique interpretation of scripture. He believed that the New Testament required a specific commission from Jesus to convert others and that he did not have such commission. Indeed, he thought that certain events prophesized in Revelation had to happen before any mass conversions could occur.[94]

We can now see why Roger Williams waited until after he had obtained the Providence Plantations charter and returned home before he published *Christenings make not Christians*. The theological ideas expressed in that tract were radically different from those of most of his English contemporaries. While most English Protestants favored an ambitious project to convert Native Americans, Williams did not. To have communicated these notions to the public earlier would have jeopardized his political objective of obtaining a patent and may even have endangered his life.

Comment on *A Paraenetick or Humble Addresse*

In November of 1644, an anonymous tract was published in London under the title *A Paraenetick or Humble Addresse to the Parliament and Assembly for (Not-Loose, But) Christian Libertie*.[95] This writing is sometimes attributed to Roger Williams. However, it is unlikely to have been authored by him for a number of reasons. First, Williams had an unmistakable style, with characteristic arguments, expressions, and tropes, and this pamphlet was written in a different style that bears little resemblance to Williams's known writings. Second, *A Paraenetick or Humble Addresse* defends "the *Congregationall way*" and explains how it differs from Presbyterianism.[96] By this time, as we have seen, Williams had moved well beyond Congregationalist theology and had opposed Congregationalist theocracy in New England as well as the theocratic position of the Congregationalist ministers in their *Apologeticall Narration* of January 1644 (see Chapters 2-4, above). Although Williams would have been sympathetic to the argument in *A Paraenetick or Humble Addresse* for religious freedom for Congregationalists, it is unlikely that he would have framed the issue in such a narrow way or that he would have identified himself as one of the Congregationalists. As John Coffey has observed, this tract was probably authored by John Goodwin, not by Roger Williams.[97]

CHAPTER 6

Providence Plantations (1644-51)

"Blessed are the peacemakers . . . ." Matthew 5:9

The Return Home

Roger Williams arrived in Boston in September of 1644 with what amounted to a letter of safe conduct signed by several important members of Parliament, including his former employer Sir William Masham and Masham's relative Thomas Barrington. The letter was addressed to "the Governour and Assistants and the rest of our worthy friends in the plantation of Massachusetts Bay, in New England." It noted "the good affections and conscience" of Williams and of his earlier sufferings by the Anglican prelates, not mentioning the much greater persecution Williams had suffered at the hands of the Massachusetts authorities. It cited Williams's "great industry and travail in his printed Indian labours [*Key into the Language of America*] in your parts, the like whereof we have not seen extant from any part of America, and in which respect it hath pleased both houses of parliament freely to grant unto him and friends with him a free and absolute charter of civil government for those parts of his abode . . . ." The letter "sorrowfully" resented that "amongst good men (our friends) driven to the ends of the world, exercised with the trials of a wilderness, and who mutually give good testimony each of other, as

we observe you do of him, and he abundantly of you, there should be such a distance . . . ." Accordingly, "we thought it fit, upon divers considerations, to profess our great desires of both your utmost endeavours of nearer closing, and of ready expressing of those good affections, which we perceive you bear each to other, in the actual performance of all friendly offices . . . ."[1]

This letter was sufficient for Massachusetts Bay to allow Williams to travel through Massachusetts to Providence. It was not, as we shall see, sufficient to dissuade Massachusetts and other colonies from attempting to acquire the land for which Providence Plantations had just received a charter.

The Beginning of the Colony of Providence Plantations

On March 13, 1644, while Roger Williams was still in England, Aquidneck Island officially changed its name to "Rhode Island."[2] Many years later, the term "Rhode Island" came to stand for the name of the entire colony. For now, however, the new colony (consisting of the island as well as Providence and the mainland) was named "Providence Plantations." In order to avoid confusion, we shall continue to refer to the island (which included Portsmouth and Newport) as "Aquidneck."

The Town of Providence adopted the new colonial charter soon after Williams arrived home. Although the official records have been lost, Providence certainly recognized the colonial charter no later than January 19, 1645.[3]

The situation on the island was different. William Coddington, who remained in control, opposed the colonial charter and secretly attempted to enlist the help of Massachusetts and Plymouth to defeat it.[4] These colonies were only too willing to help. On September 19, 1644, the United Colonies of New England expressed a willingness to allow Massachusetts or Plymouth to acquire the island in the

event "the major p[ar]t & such as have the most interest in the Iland will absolutely & without reservacion submitt" to either Massachusetts or Plymouth.[5] In about May of 1645, Plymouth sent one of its magistrates to Aquidneck, claiming the island to be within its jurisdiction and forbidding Roger Williams or anyone else to "exercise any of their pretended authoritye upon the Iland . . . ."[6] On August 27, 1645, the Massachusetts Bay General Court wrote to Williams that they had received a charter from Parliament dated December 10, 1643, under which they claimed Providence and Aquidneck Island. Accordingly, the Massachusetts magistrates instructed Williams to "forbeare to exercise any Jurisidiccion therein" or otherwise to appear at the next Massachusetts General Court meeting of October 4, 1645, "to shew by what right yow claime any-such Jurisdiccion[,] for wch purpose yourself and other your neighbours shall have free liberty to come stay and retourne as the occacion of the said Buisnes shall require."[7] As discussed earlier, the putative December 10, 1643 Massachusetts charter failed to meet necessary legal requirements and was invalid.[8] Williams replied to the Massachusetts demands by sending a letter (no longer extant) to John Winthrop, but nobody from Massachusetts responded.[9]

Meanwhile, the beginnings of a colonial government were being established. On August 9, 1645, the secretary of the "Colonie of Providence Plantacons assembled at Newport" wrote to Massachusetts Bay and invoked the 1644 Providence Plantations charter against the claims of Massachusetts and Plymouth. Roger Williams became chief officer of the colony, Henry Walton was secretary, and Samuel Gorton was one of the commissioners.[10]

By May of 1647, Coddington had evidently struck a deal with the pro-charter forces, and Coddington became an Assistant in the new colonial government. Nevertheless, Coddington's intrigues against the new government were not at an end.[11] And

Massachusetts continued to insist on the priority of its legally insufficient charter.

The 1647 Fundamental Laws of the Colony of Providence Plantations

A General Court of Elections for the Colony of Providence Plantations met at Portsmouth on May 19-21, 1647. It elected officers and enacted a code of general laws and some special legislation. By this time, the towns of Providence, Portsmouth, Newport, and Warwick (formerly Shawomet) all recognized the colonial government.[12]

John Coggeshall was chosen moderator of this assembly. The election of officers proceeded by paper ballot. Coggeshall was elected president of the colony. Roger Williams was chosen as the assistant of Providence, John Sanford as the assistant of Portsmouth, William Coddington as the assistant of Newport, and Randall Holden as the assistant of Warwick. William Dyer was chosen as the general recorder, and Jeremy Clarke was chosen Treasurer.[13]

The Town of Providence sent ten representatives, including Roger Williams, to this General Court, though it is possible that others from Providence also attended.[14] In its instructions to these delegates, the Town expressed its approbation of the model of government that had recently been shown to them by "our worthy ffriends of the Iland" or of "any other Modell, as the General Court shall agree upon, according to our Charter."[15] It is unknown to what extent the plan that was ultimately adopted corresponded to the model suggested by the Aquidneck Island residents, but the carefully drawn laws summarized below suggest that the delegates had a preexisting model and that any changes were by way of amendment to that model.[16]

In contrast to other colonies, where governmental officers were required to take a religious test oath, the Providence

Plantations officers were administered an "engagement" in which they agreed to execute the commissions committed to them faithfully and truly to the utmost of their powers. This "engagement" contained no reference to God or religion.[17] As explained earlier, this procedure was consistent with Roger Williams's long-held position regarding oaths. A comment by a twentieth-century historian of Rhode Island is on point: "Trivial though the disuse of oaths of office may seem to later generations, it marked a high point of thoroughgoing secularization of the state that has been abandoned in modern times."[18]

It was ordered that the Court of Election would be held annually on the first Tuesday after the fifteenth of May. All freemen of the colony could either attend the Court of Election in person or send their sealed votes to the Court. The General Court of Trials would proceed on the day after the Court of Elections.[19]

A complicated legislative procedure involving town initiatives, a colony-wide representative committee (six representatives from each town), the General Assembly, and town referenda was promulgated.[20] By late 1650 this system was replaced with a simplified town referendum procedure from legislative determinations made by the representative committee (later called "Commissioners") acting as the General Assembly.[21]

The council of each town was to consist of six men to be selected at the next town meeting.[22] The town officers were to give their engagements to their general officer in the town before executing their office.[23]

The foregoing and other provisions are under the heading "Acts and Orders." The following are under the heading "Code of Laws." The exact distinction between these two subdivisions is not entirely clear.[24]

The Code proper began with a formal declaration of acceptance of the charter received from Parliament. It acknowledged

the power given by the charter for self-government and stated that "the form of government established in Providence Plantations is Democratical, that is to say, a government held by the free and voluntary consent of all, or the greater part[,] of the free inhabitants."[25] The "free inhabitants," of course, did not include women and did not include all adult male residents. As discussed above, the franchise in Providence and other New England communities was limited to freemen, and freemanship was a special status not shared by all male residents. For example, on April 19, 1645, those receiving twenty-five acres of land from the "free Inhabitants of this Towne of providence" promised to obey the new charter as well as all wholesome laws and orders made by the majority of the freemen of Providence, without themselves claiming any right to freemanship (including "any privillidge of Vote, in Towne Affaires") until such time as they were received as freemen.[26] The colony-wide government initially left the qualifications for freemanship to the individual towns. On October 28, 1652, however, the General Assembly (at that time consisting of six commissioners each from Providence and Warwick) provided that no foreigner (whether Dutch, French or of any other nation), could be admitted as a freeman of any town without the consent of the General Assembly.[27]

The 1647 Code of Laws for Providence Plantations established a foundational principle of constitutional government:

> That no person, in this Colony, shall be taken or imprisoned, or be disseized of his lands or liberties, or be exiled, or any otherwise molested or destroyed, but by the lawful judgment of his peers, or by some known law, and according to the letter of it, ratified and confirmed by the major part of the General Assembly, lawfully met and orderly managed.[28]

Rhode Island Supreme Court Judge William R. Staples, the nineteenth-century editor of the *1647 Code of Laws*, observed that this provision "is a re-enactment of a clause in Magna Charta, amended, by providing against that whole progeny of constructive treasons and felonies, which at the time this law was passed, and in times immediately preceding, was undermining the fair fabric of English liberty." The courts of England recognized crimes not only against the letter but also against the spirit of the criminal law. "Almost by a single word, is this whole host of implied crime, and the foundation of this ex post facto judicial legislation, struck from existence" by this provision in the Providence Plantations legal code. "Acts to be criminal here, must be within the letter of some known law."[29]

This provision, applied literally, would also prohibit slavery. On May 18, 1652, the General Court of Election (being limited at that time to the commissioners of Providence and Warwick) prohibited involuntary servitude, whether of blacks or of white indentured servants, after ten years of residence in Providence Plantations.[30] However, as one historian has observed, "[t]he third generation of the landed democracy of Rhode Island offered little opposition to the establishment of slavery so soon as the people could afford it . . . ."[31] Slavery was definitely present in Rhode Island during the second half of the eighteenth century, when it became a heated political issue during and after the time of the Revolutionary War.[32]

The 1644 charter empowered Providence Plantations to make and enforce its own laws, including criminal laws, subject, however, to the proviso that they "be Conformable to the Lawes of England so farr as the nature & Constitution of [Providence Plantations] will admitt "[33] The 1647 Providence Plantations legal code was scrupulous to follow and even cite much of English criminal law, with some variations regarding penalties. Thus, the new colony's laws regarding treason, homicide, robbery, burglary,

arson, forcible entry and detainer, escape, larceny, forgery, conspiracy, accessories, drunkenness, and so forth largely tracked English law, albeit expressed in plain language that every person could understand.[34]

Nevertheless, the colony's legal code evinced somewhat more modern thinking with regard to some seventeenth-century English laws the colony felt compelled to adopt. Citing an English statute, the code provided that "[w]itchcraft is forbidden by this present Assembly to be used in this colony. The penalty imposed by the authority that we are subjected to is felony of death."[35] Two centuries later, Judge Staples remarked that "[n]o prosecution for this offence was ever had in this colony or state. It is remarkable that, in this and in some other instances, the penalty is referred to the law of England, the Assembly expressing no opinion as to its justice or expediency. In the age in which this code was adopted, no legislature would have dared to do less than is here done."[36]

The Providence Plantations code also provided that "common scolds shall be punished with the ducking stool."[37] In an editorial note, Judge Staples remarked: "So far as I am informed, there is no record evidence that there ever was such a thing as a common scold, 'throughout the whole Colony' or State."[38]

It is interesting that these two "crimes" (witchcraft and a "common scold") that appear elsewhere to have been directed mainly against women were never enforced in Providence Plantations or in its successor colony and state. Nothing like the infamous late seventeenth-century Salem witch trials ever sullied the reputation of the Narragansett Bay communities.

The code also outlawed sodomy (defined as male homosexuality) and buggery (bestiality). Although a majority of the freemen of Providence Plantations probably agreed that these matters were properly a subject of the criminal law, they seemed to implicitly question the punishment of these practices under English law. In both cases, the code somewhat reluctantly referred to

the English statutes mandating "death without remedy" as the required sentence.[39]

The freemen had no such hesitation in agreeing to the death penalty for rape. The code also considered rape to include sexual relations with a girl under the age of ten, regardless of consent.[40] The fact that the age of consent was so low is perhaps a reflection of the fact that girls at that time often married, with the consent of their parents, at a young age. In a related provision, the code stated, citing an English statute, that "the taking away, deflowering or contracting in marriage a maid under sixteen years of age, against the will of or unknown to the father or mother of the maid, is a kind of stealing her; and that the penalty shall be either five years' imprisonment or satisfaction of her parents."[41] What is remarkable to us is that the parents could consent to the marriage of a girl under the age of sixteen or that the perpetrator could avoid punishment by satisfying the parents, presumably with a monetary settlement.

Adultery and fornication were also criminal offenses. The code did not specify the punishment, agreeing instead to "what penalty the state of England has or shall appoint . . . ."[42] To put this into perspective, it should be observed that adultery remained a criminal offense in about twenty states of the United States of America in the early twenty-first century. Although fornication remained a crime in about twenty percent of the states, the U.S. Supreme Court held, in 2003, that sodomy (and thus implicitly fornication) in private between unmarried consenting adults could not constitutionally be subject to criminal prosecution.[43]

The Providence Plantations legal code also provided for civil actions by one person against another for such matters as forcible entry and detainer, battery, "Trespass by Man or Beast," fraudulent dealing, debt, breach of covenant, and defamation.[44] Interestingly, however, the code specified that a debtor could not be imprisoned for debt, "there to lie languishing to no man's

advantage . . . ."[45] The refusal to provide for imprisonment for debt was centuries ahead of its time.

The code provided that "each town shall provide carefully for the relief of the poor, to maintain the impotent, and employ the able, and shall appoint an overseer for the same purpose."[46]

Although each town had power to allow "taverns, ale houses, and victualling houses" within its precincts, any such facility had to be licensed by the town, and its owner must not permit "such games as are judged by the laws of England to be unlawful in such common houses, as carding, dicing, slide, groat, &c., and not to suffer any townsman to remain tippling therein for an hour's space, under the penalty of ten shillings for every such default . . . ."[47]

Marriages were considered to be solely a civil contract "confirmed before the head officer of the town and entered into the town clerk's books." However, "no contract or agreement between a man and a woman to own each other as man and wife, shall be owned . . . as a lawful marriage . . . but such as are, in the first place, with the parents' consent, then orderly published in two several meetings of the townsmen . . . ."[48] As Judge Staples remarked, "The marriage ceremony was in all of [the New England colonies] performed by a civil magistrate, and marriage considered and treated as a civil contract."[49] More recently, historian David Hackett Fisher has observed that the Puritans of New England "believed that marriage was not a religious ceremony but a civil contract. They required that this covenant must be 'agreed' or 'executed' (not 'performed' or 'solemnized') before a magistrate, and not a minister."[50] This was also, as noted in the preceding chapter, the view of Roger Williams.[51]

The code also contained detailed provisions regarding wills and probate. Interestingly, "all persons inhabiting in this Colony" were legally required, "while they are in health and in perfect memory," to "draw up their wills in writing . . . ." In the event that a person died intestate (without a will) or the named executor

refused to serve, "then shall the head officer of the town, together with the common council of the same town, appoint one of his nearest kinsmen to take with him two other honest neighbors and make and bring in a true inventory of his goods, which being brought in, they shall then make an equal and just distribution of his estate among those to whom it does belong . . . ."[52] No statute prescribed the order of distribution of assets in the event of intestate succession. Rather, it was up to the discretion of the head officer and the council. In practice, the councils of Providence and Warwick often decided on the distribution of such assets at their discretion.[53]

We observed above that the colony officers were required to agree to an "engagement" but not a religious oath as a prerequisite of holding their offices. The Providence Plantations legal code elaborated upon this concept in a section entitled "Touching Liars and perjured persons." The section began by observing that "as the consciences of sundry men, truly conscienable, may scruple the giving or the taking of an oath, and it would be nowise suitable to the nature and constitution of our place, who profess ourselves to be men of different consciences and not one willing to force another, to debar such as cannot do so, either from bearing office among us or from giving in testimony in a case depending," it is enacted "by the authority of the present Assembly, that a solemn profession or testimony in a court of record, or before a judge of record, shall be accounted, throughout the whole Colony, of as full force as an oath . . . ." It observed that "many, in giving engagement or testimony, are usually more overawed with the penalty which is known, than with the most High, who is little known in the kingdoms of men . . . ." Accordingly, "he that falsifieth such a solemn profession or testimony, shall be accounted among us as a perjured person . . . ." His penalty shall be "that, look what detriment is or might be brought upon others by falsifying his engagement or testimony, the same shall

fall upon himself. He shall also forfeit five pounds, and be disenabled either to bear office or to give in testimony in any court of record, until the Colony release him . . . ." The fine shall go one-half to the king's custom and the other half "to the party grieved that sues for it by action of debt or bill: but in case the party be not worth so much, then shall he be imprisoned in the house of correction til it be wrought out, or else set in the pillory in some open place, and have his ears nailed thereto, and then may the party grieved receive his damages . . . ." Any person instigating such perjury "shall have the like penalty."[54]

The 1647 Code of Laws established a general court of trials for the whole colony. This court had jurisdiction over cases involving major crimes and "such trespasses, debts, and differences, as by the common council of either town or towns shall be judged too weighty for a more private determining . . . ." It also had jurisdiction over cases between towns and in cases "between parties dwelling in two towns more remote, or in case of the arrest of a man belonging to a neighbor colony, or in cases of great importance . . . ." It would likewise hear cases involving corruption of inquests (grand juries) and trials of perjuries as well as "all such matters as are not referred, by any charter or order, unto any town apart, or to the island, or two towns jointly."[55] The president and the assistants of the colony served as judges of the general court of trials.[56]

The code contained detailed provisions regarding legal procedures in criminal prosecutions and civil litigation, including procedures for inquests and trials. Jurors deciding major matters had to be worth at least forty pounds; those deciding lesser matters had to be worth at least twenty pounds. The powers and duties of the "General Sergeant" (analogous to a sheriff) were described at length as were regulations regarding lawyers. Service of process, answers of defendants, demurrers, and default judgments were all addressed.[57] In some important respects this legal

code—adopted more than 350 years ago—reads like a modern code of laws and legal procedures.

But what is most striking about the Providence Plantations code is what it did not say. Every other seventeenth-century New England colony had, sooner or later, detailed statutes defining the crimes of idolatry, heresy, and blasphemy, and these were often capital offenses that were construed broadly to suppress all religious views except for those established by the particular government. The other colonies also had legal requirements for mandatory attendance at the established church and financial maintenance of the established church and its ministers. No such laws ever appeared in Providence Plantations and its successor colony during the seventeenth century. In order to ensure that its legal code could never be construed to permit the recognition and enforcement of any such religious law, the code provided that "otherwise than thus what is herein forbidden, all men may walk as their consciences persuade them . . . ."[58] By the time of the 1647 Code of Laws, most people within the jurisdiction of the Colony of Providence Plantations had—with some notable exceptions like William Coddington and William Arnold—come to accept and cherish the principles of liberty of conscience and separation of church and state that Roger Williams had been advocating since shortly after his arrival in New England in 1631.

Municipal Charters

The Colony of Providence Plantations granted a municipal charter to the Town of Providence in March 1649. The language of this charter tracked the language of the 1644 patent for Providence Plantations and did not specify a particular form of government for Providence. This charter gave Providence official recognition as an incorporated municipality and authorized it to

assume jurisdiction over criminal and civil matters not within the jurisdiction of the colony-wide general court of trials. Warwick, Portsmouth, and probably Newport received similar municipal charters.[59]

Residents and Freemen

This book has remarked, on various occasions, on the difference between residents and freemen, both in New England generally and with regard to the particular municipal government of Providence. Although it appears that the Colony of Providence Plantations generally left the definition of freeman to the individual towns with regard to their own town governments, the question eventually arose who would be a "freeman" for colony governmental purposes. On September 1, 1654, the colony recognized as freemen all those admitted as freemen to act in any town or colony during the period when Providence Plantations was disunited as a result of William Coddington's commission (discussed below).[60] Both before and after that date, the Providence Plantations General Assembly expressly received certain individuals as freemen, apparently for colony governmental purposes.[61] At some point during 1655, the colony prepared a roll of freemen of the colony.[62] This list may have merged the freemen recognized by the towns and the freemen recognized by the colony after the reunion of the mainland and the island following the English government's withdrawal of the Coddington commission. In his *History of the State of Rhode Island and Providence Plantations*, published in 1859, Samuel Greene Arnold elaborated on this colony list of freemen as follows:

> Not every resident was a legal inhabitant. Some time elapsed after one's arrival in the colony before he could be received as an inhabitant, participating thereby in

certain rights to the common lands, doing jury duty, and being eligible to some of the lesser town offices. If his conduct while thus situated gave satisfaction he might be propounded at town meeting to become a freeman, and if no valid objection was brought against him, at the next meeting he was admitted to all the rights of the freemen, or close corporators of the colony.

In the earlier years an admission as freeman sometimes brought with it a joint ownership in the land purchased, but soon it came to convey only the elective franchise, and even this was not always confined to freemen, for afterwards by a town law in Providence any inhabitant was liable to be elected to office and finable for not serving. Two years later all who held land in the town were declared to be freemen. This latter feature remained, with some modifications, till the adoption of the State Constitution.[63]

The foregoing analysis is probably basically correct, though, as discussed elsewhere in the present book (see Chapter 3 and Appendix C), the primary-source records are not entirely clear on these issues. For example, the terms "inhabitant" and "freeman" were apparently often used synonymously in the early years of Providence and other New England communities. Strangely, on June 2, 1656, the Town of Providence "[o]rder'd that all inhabitants thoug[] not as yet accounted free men in this Towne yet shall be lyable to be Chosen to doe serwice in the Town."[64] It is not clear that this would include an elected office, as Arnold states (citing Staples, *Annals of the Town of Providence*, 118, in a footnote). If so, it would be highly anomalous for a person to be elected to an office for which that person was not even qualified to vote. Additionally, although the May 15, 1658 Providence Town meeting "[o]rdered that all those [apparently only males] that injoy land in the jurisdiction of this Town are freemen,"[65] that

expansion was **not** limited to persons "injoy[ing] land" (including tenants?) **within** the Town limits but also extended to people residing **outside** those limits who were nevertheless within the "jurisdiction" of Providence. Accordingly, as explained in Appendix C, that particular measure was designed to promote the land acquisition agenda of the William Harris faction in Providence politics. Nevertheless, since most people within the jurisdiction of Providence owned (or at least possessed) some amount of land, the May 15, 1658 expansion of the franchise resulted in a considerable democratization of Providence government, notwithstanding the measure's origin as a Machiavellian political stratagem.

Roger Williams's Political Activity, 1647-51

In May of 1646 Samuel Gorton obtained a parliamentary order requiring Massachusetts and other colonies to desist from their imperialistic efforts regarding Shawomet. The Gortonists returned to Shawomet from exile in Aquidneck and renamed their community "Warwick" in honor of the English earl who had been responsible for this favorable outcome. As we have seen, Warwick joined Providence, Portsmouth, and Newport in the May 1647 establishment of substantive and procedural law for the Colony of Providence Plantations. However, neither the external threats from Massachusetts and Plymouth nor the internal dissension within the new colony ceased. Among other things, William Coddington resumed his covert subversion of the Providence Plantations government, fomenting political dissent in Portsmouth. On September 7, 1648, he proposed to the United Colonies that Aquidneck (Rhode) Island be allowed to join that confederation. The United Colonies responded that Aquidneck Island belonged to Plymouth and that the protection of the United Colonies could only be extended to the island if the majority of its inhabitants acknowledged Plymouth's jurisdiction.[66] This position was, of course, in direct contradiction

to the position of Plymouth at the time when the Antinomians first settled the island in 1638 (see Chapter 3).

Coddington then attempted to persuade the towns of Providence Plantations to subject at least the island to the jurisdiction of Plymouth. But three of the four towns refused. Portsmouth alone agreed with Coddington, and Coddington accordingly decided to seek direct relief from the English Parliament. It is unlikely that Williams was yet aware of the drastic action that Coddington was now contemplating when Williams informed John Winthrop Jr. on September 23, 1648, that "in this division of our Neighbours I have kept myselfe uningaged and presented motions of pacification amongst which I was bold to propose a reference to your worthy selfe and some other friend to be chosen . . . ." Providence had agreed to having John Winthrop Jr. as an arbitrator, as had Coddington supporter William Baulston of Portsmouth, and Williams told the younger Winthrop that "possibly you may have the trouble and honour of a peace-maker." [67]

A few weeks earlier, on August 31, 1648, Williams had written a remarkable letter from his trading post at Cocumscussoc. He entitled it "An humble Motion to the Towne of Providence." An excerpt from the eloquent first two paragraphs is set forth in the epigraph to the present book. The letter alluded to the dangers from other colonies and from the Portsmouth faction within the colony. It had recommended that the differences between Portsmouth and the other three Providence Plantations towns be submitted to arbitration.[68]

Williams was friends with John Winthrop Jr., the son of John Winthrop. The younger Winthrop had established the settlement of New London (which became part of Connecticut). He was more tolerant and open-minded than his father, and Williams often exchanged books and pamphlets with him.[69] In a letter from

his Cocumscussoc trading post written sometime before January 29, 1649, Williams advised him that

> our poore Colonie is in civill dissention. Their last meetings (at wch I have not bene) have fallen into factions, Mr Cottington [Coddington] and Cap. Partridge etc. the heads of the one and Capt. [John] Clarke[,] Mr [Nicholas] Easton etc. the heads of the other faction. I receave letters from both inviting me etc. but I resolve (if the Lord please) not to ingage unles with great hopes of peacemaking. The peace makers are Sons of God.[70]

Williams provided his friend a brief update on January 29, 1649: "Mr Coddington went to the [Massachusetts] Bay with his daughter for England . . . ."[71] Williams probably did not know at this time what Coddington intended to do in England, but Williams likely figured that Coddington was up to no good. Williams was apparently unaware that the younger Winthrop had known for several weeks that Coddington was planning to go to England.[72]

By mid-March, Williams had proposed an act of oblivion, that is, a general pardon for political offenses in Providence Plantations. Although the colonial legislature passed such a law, it did not stop the endemic factionalism plaguing the colony.[73]

The elder John Winthrop died on March 26, 1649. Unless otherwise noted, further references in the present book to "Winthrop" refer to John Winthrop Jr.

Newport and Portsmouth on Aquidneck Island became substantially more populous than Providence and Warwick on the mainland. Accordingly, at the times when the island participated in the government of Providence Plantations, it sometimes dominated colonial affairs. Coddington had been elected president of the Colony of Providence Plantations at the May 16, 1648 General

Court of Election. But as a result of his opposition to and absence from the colony government, he never took office. Jeremy Clarke, as the assistant of Newport, became acting president in lieu of Coddington. For a brief period of time during the spring of 1649, Williams also served the colony as its deputy president. At the May 22, 1649 Court of Election, John Smith of Warwick was elected president.[74] Williams, who attended the meeting, informed John Winthrop Jr. that some were hoping that Winthrop would move within the boundaries of Providence Plantations and become their president.[75] Williams also reported the news that the Parliament had executed King Charles I (which had occurred on January 30, 1649).[76]

That autumn, Williams told Winthrop that he had received a letter from Lady Vane, the wife of Sir Henry Vane. Sir Henry anticipated that persecution would be forthcoming in England, though it is not clear from which factional quarter he expected such persecution.[77]

In correspondence with Winthrop during June of 1650, Williams remarked on some of the latest conflicts between the towns of Providence Plantations and the other colonies. William Arnold and his Pawtuxet band still claimed to be under the jurisdiction of Massachusetts Bay, and litigation over land boundaries between landowners in Pawtuxet and Providence was rife. Massachusetts presumed to order Providence Plantations inhabitants not to prosecute lawsuits against the Pawtuxet faction. Notwithstanding parliamentary determinations to the contrary, the Colonies of Massachusetts Bay and Plymouth were sitting with eager carving knives at their imperialistic dinner table, negotiating between themselves on how to divvy up the tasty meal of Providence Plantations and reimpose the iron fist of theocratic orthodoxy on its recalcitrant dissenters.[78]

Meanwhile, William Coddington had petitioned the English government for the grant of Aquidneck and Conanicut

(Jamestown) Islands in Narragansett Bay (see Maps 3 and 4). Edward Winslow, representing Plymouth, opposed the petition, arguing that Aquidneck Island was within the 1620 patent granted to Plymouth. No one seems to have mentioned the 1644 Providence Plantations patent, which expressly included the towns of Portsmouth and Newport on Aquidneck Island. The English Committee of the Admiralty conducted hearings on the conflicting claims of Coddington and Plymouth during March and April of 1650, and the Committee reported its factual findings to the Council of State sometime thereafter. However, the Council of State did not rule on the matter until the following year.[79]

With the deepening crisis involving William Coddington and the neighboring colonies, the Colony of Providence Plantations became desperate to induce Williams to return to England and obtain a reaffirmation of its charter. The May 1647 General Assembly had granted one hundred pounds to Roger Williams for his expenses and efforts in procuring the 1644 charter: fifty pounds from Newport, thirty pounds from Portsmouth, and twenty pounds from Providence.[80] By 1650, however, this amount had still not been paid, and the May 23, 1650 General Court of Elections enjoined each town to apportion its share of the debt according to each person's ability to pay. A penalty of ten pounds would be assessed against any individual who failed to pay the apportioned amount within twenty days after notice; a particular town council would be fined forty pounds upon its failure to make such an assessment and levy.[81]

On October 9, 1650, Williams wrote Winthrop that "[j]ust now a letter from Rode Island comes for my voyage for Engl. [England] but as yet I resolve not."[82] On October 26, 1650, the General Assembly ordered that a letter be sent to Williams to request that he return to England, "& it is ordered also That the state is willing to pay the hundred pounds that is [ ] dew to him & a hundred pounds more . . . ."[83]

In January of 1651, Williams wrote to the Town of Providence about several matters, including the question of the payment of his expenses for his 1643-44 trip to England:

> I cannot be so unthanckfull to you, & so insensible of mine owne & Families Comfort, as not to take notice of Your Continued & Constant Love & care in your many publike & solemne Orders for the payment of the money due unto me about the Charter: Tis true I have never demaunded it: yea I have bene truely desirous that it might have bene laid out for some further publike Benefit in each Towne: But observing Your Loving Resolucion to the Contrarie, I have at last resolved to write unto you (as I have allso Lately done to Portsmouth & Newport) about the better ordering of it to my Advantage: I have here (through Gods providence) Conveniencie of improving some Goats[.]
>
> My request is therefore that (if it may be wethout much trouble) you would please to order the payment of it in Cattell of the kind: I have bene solicited & have promised my helpe about Iron works, when the matter is ripe, earnestly desirous everie way to further the good of the Towne of Providence, to which I am so much ingaged, & to your selves the [Loving] Inhabitants thereof . . . .[84]

In the midst of all these other issues, a further historical development triggered Roger Williams's longtime concern about liberty of conscience in New England. It is to this episode that we now turn.

Massachusetts Bay's Persecution of Baptist Visitors in the Summer of 1651

We have previously described how John Clarke helped found the settlements on Aquidneck Island and how he eventually became

an opponent in Newport of William Coddington's attempts to bring the island under the jurisdiction of Plymouth. We have also discussed Clarke's Baptist faith and Williams's qualified sympathy with Clarke's theological position.

During the summer of 1651, three Newport Baptists—John Clarke, John Crandall, and Obadiah Holmes—traveled to Lynn (about ten miles northeast of Boston) in Massachusetts Bay to visit William Witter, a blind man who was also a Baptist. The three arrived in Massachusetts on July 16 and reached Lynn on July 18. They lodged at Witter's house, which was about two miles outside of town.[85]

On Sunday, July 20, Clarke was expounding on the meaning of a scriptural passage inside Witter's home. In addition to Witter and the three Newport visitors, about four or five others joined the group.[86]

While Clarke was speaking, two constables entered the house and interrupted his discourse. Clarke demanded to see their warrant, which one of them produced. The warrant directed the constables to go to the house of William Witter and search "for certain erronious persons, being Strangers, and them to apprehend, and in safe custody to keep, and to morrow morning by eight of the Clock to bring before me." It was signed by Robert Bridges, a local magistrate.[87]

The constables took them away and, after dinner, compelled them to go to the local meeting (service) of the established church. During prayers, singing, and preaching, Clarke sat silently but, instead of participating, read a book and refused to remove his hat. Bridges, who was in attendance at the service, commanded a constable to remove the Baptists' hats. After the congregation had completed its regular service, Clarke stood up and began to give a speech but was silenced by Bridges.[88]

The following day the prisoners were transferred to the prison in Boston. They were tried a few days later. Governor John Endecott, in Clarke's account, "upbraided us with the name of

Anabaptists" (then a derogatory term), which Clarke denied, saying that he had baptized many but never rebaptized any. Then, Endecott said, "you deny the former Baptism, and make all our worship a nullity . . . ." Clarke responded that "he said it" and that if the Baptist testimony "be true, and according to the mind of God, which I undoubtedly affirm it is, then it concernes you to look to your standing." The other two prisoners agreed with Clarke's statement. Late that afternoon, "without producing either accuser, witness, jury, law of God, or man," the three prisoners were separately sentenced.[89]

The sentence of John Clarke recited the following facts allegedly justifying his punishment:

- On the Lord's Day (Sunday), Clarke took it upon himself to preach to some inhabitants of the town at Witter's house.
- Later, being taken by the constable to the officially approved religious assembly, Clarke refused to remove his hat.
- Clarke professed against the institution of the established church "as not being according to the Gospell of Jesus Christ . . . ."
- The following day Clarke administered the sacrament of the Lord's Supper to an excommunicated person (Obadiah Holmes), to another under admonition, and to another who was an inhabitant of Lynn and not in fellowship with any church.
- The official sentence also averred that "upon your answer in open Court, you affirmed that you did never Re-baptize any, yet did acknowledge you did Baptize such as were Baptized before, and thereby did necessarily deny the Baptism that was before to be Baptism, the Churches no churches, and also all other Ordinances, and Ministers, as if all were a Nullity; and also did in the Court deny the lawfullness of Baptizing of Infants, and all this tends to the dishonour of God, the despising the ordinances of God among us, the peace of the Churches, and seducing the Subjects of this Commonwealth from the truth of the Gospel of Jesus Christ, and perverting the strait waies of the Lord . . . ."[90]

On the basis of the foregoing findings, the court fined Clarke "20 pounds to be paid, or sufficient sureties that the said sum shall be paid by the first day of the next Court of Assistants, or else to be well whipt, and that you shall remain in Prison till it be paid, or security given in for it."[91]

The sentences of the other two prisoners were also announced. Obadiah Holmes was sentenced to a fine of thirty pounds to be paid by the aforesaid time or to be well whipped. John Crandall was to pay five pounds or be well whipped.[92]

After the sentences were read, Clarke asked the court to specify the particular law of Massachusetts that they had allegedly violated. Governor Endecott then

> stept up, and told us we had denyed Infants Baptism, and being somewhat transported broke forth, and told me I had deserved death, and said, he would not have such trash brought into their jurisdiction; moreover he said, you go up and down, and secretly insinuate into those that are weak, but you cannot maintain it before our Ministers, you may try, and discourse or dispute with them, &c. To this I had much to reply, but that he commanded the jaylor to take us away; so the next morning having so fair an opportunity, I made a motion to the Court in these words following.[93]

Accepting what he claimed was an offer by Governor Endecott, Clarke requested a public disputation with any person of the

governor's appointment on the theological issues surrounding his conviction and sentencing. However, the Massachusetts authorities and Clarke never agreed on the terms of any such disputation. Additionally, against Clarke's expressed wishes, someone paid his fine, and Clarke was released from custody on August 14, 1651.[94]

John Crandall paid bail and went back to Newport with the understanding that he would appear later for the execution of his punishment. However, Massachusetts never called him back, and Crandall was not whipped.[95]

Obadiah Holmes, the third prisoner, successfully fended off the attempts of others to pay his fine. Holmes was accordingly administered a severe whipping with a three-corded whip on September 4, 1651. After the execution of his punishment, two of the several people who came to comfort him were arrested and sentenced to pay forty shillings or be whipped. Other people paid these fines, and no one else was whipped at this time.[96]

Roger Williams's Response to Massachusetts Bay's Persecution of John Clarke, John Crandall, and Obadiah Holmes

In about early August of 1651, Roger Williams wrote to John Winthrop Jr. that "from the Bay I heare of the sentence on Mr Clarke to be whipt or pay 20 li: Obadiah Holmes whipt or 30 li[;] on John Crandall whipt or 5 li. This bearer heares of no paymt nor execution but rather a Demrr [demurrer], and some kind of Conference."[97]

Later that month, Williams informed Winthrop that "I met Mr John Clarke at Providence *Recens e Carcere* [just out of prison]. There was great hammering about the Disputation but they could not hit: and although (my much lamented friend) the Govr [Endecott] told him that he was worthy to be hanged etc. Yet

he was as good as thrust out without pay, or whipping etc. But Obadiah Holmes remaines."[98]

It is appropriate to remark at this juncture that many of Roger Williams's letters appear to have been written in haste. He often lacked paper and wrote on every available blank space in his own or others' letters. The result was his frequent use of an abbreviated, compressed style, especially on such day-to-day matters as disputes among Native Americans, personal issues between Natives and English colonists, and mundane events regarding English, French, and Dutch colonists.[99]

Occasionally, however, Williams wrote at length and in a manner that evinced, in both substance and style, the depth of his reflections. One of these masterpieces is a letter that Williams wrote to John Endecott during or soon after Endecott's persecution of Clarke, Crandall, and Holmes in Boston.[100] Williams considered this letter so important that he later appended it to his *Bloody Tenent Yet More Bloody*, published in 1652.[101]

It will be recalled that Williams knew Endecott from his earliest days in New England (1631) and apparently even earlier when they both lived in England (see Chapter 2). Williams's present letter to Endecott began with Williams's recollection of "that Humanitie and pietie, which I and others have formerly observed in you . . . ." But now, when opening up a recent letter from Endecott (now lost), Williams noticed Endecott's strange and apparently new seal: "This Deaths Head tells that loving Hand that seald it, and mine that opens your Letter, that our Eyes, our Hands, our Tongues, our Braines are flying hence to the hole or pit of Rottennes . . . ." Although Endecott had always been zealous and hot-tempered (see Chapter 2), he had now, perhaps with the accession of personal power, become morbid and narrow-minded, perhaps even seeing himself as an angel of death.[102]

At the opening of Endecott's letter, Williams observed another strange thing. Williams quotes Endecott as saying, "Were I as free

in my spirit as formerly I have been to write unto you, you should have received another manner of Salutation then now with a good Conscience I can Expresse; However God knoweth who are his, and what he is pleased to hide from sinfull man in this life, shall in that great Day be manifested to All."[103] In other words, Endecott had "progressed" from ardently defending Williams in 1635 (see Chapter 2) to stating bluntly his current belief, sixteen years later, that Williams was predestined to go to hell. This development of Endecott's personality was Shakespearian in its nature and implications. No one understood this better than Williams.

With characteristic equanimity, Williams gently but firmly turned Endecott's offensive statement around. Extracting language from 2 Samuel 14:13, Williams remarked that, upon reading Endecott's statement, "the speech of that wise Woman of Tekoah unto David came fresh unto my Thoughts: Speakes not the King this Thing as one that is Guiltie? For will my honoured and beloved friend not know me for feare of being disowned by his Conscience?"[104]

This reflection provided Williams with an opportunity to transition to the major point of his letter:

> Oh how comes it then that I have heard so often, and heard so lately, and heard so much, that he that speakes so tenderly for his owne, hath yet so little respect, mercie or pitie to the like consciencious perswasions of other Men? Are all the Thousands of millions of millions of Consciences, at home and abroad, fuell onely for a prison, for a whip, for a stake, for a Gallowes? Are no Consciences to breath the Aire, but such as suit and sample his?[105]

Williams then anticipated Endecott's objection: "But what makes this to Heretickes, Blasphemers, Seducers, to them that sin against their Conscience (as Mr Cotton sayth) after Conviction?"[106]

Williams has several responses to such objections, and he references his forthcoming *Bloody Tenent Yet More Bloody* as a comprehensive answer. Here, he emphasizes the fourth cause of his banishment in 1635-36: his insistence on the separate spheres of the civil magistrate and the religious leader. The civil magistrate should not deal in matters of religion and should not persecute and hunt any for any issue merely spiritual and religious.[107]

Williams's letter discusses such matters for several pages before finally mentioning "Mr Clarke newly come up from his sufferings amongst you . . . ." Williams observes that "[i]t is notoriously knowne, that the Consciences of the most holy men, zealous for God and his Christ to Death and Admiration, yea even in our owne Countrey . . . have been so grossly mislead by mistaken Consciences . . . ." What seems right to us "may look counterfeit and ugly" to God. "[O]ur Thoughts are not as the Thoughts of our Maker . . . ." No human being can legitimately claim absolute religious truth, and no human being has a right to persecute another on the basis of religious belief.[108]

Williams well understood that Endecott had succumbed to the temptations of political power:

> Sir, it is no small offer, the choice and applause and Rule over so many Townes, so many holy, so many wise, in such a holy way as you believe you are in: To say nothing of strong drinkes and wines, the fat and sweet of this and other Lands: These and others are snares which without abundant strength from God will catch and hould the strongest feete: Sir, I have knowne you strong, in repelling strong Temptations, but I cannot but feare and lament, that some of these and others have been too strong and potent with you.[109]

In turning to "this particular of persecution"—Endecott's persecution of Clarke, Crandall, and Holmes—Williams remarks

that "[t]he Maker and Searcher of our hearts knowes with what Bitternes I write, as with Bitternes of Soule I have heard such Language as this to proceed from your selfe and others, who formerly have fled from (with crying out against) persecutours!" Remember, writes Williams, that "it is a dangerous Combat for the Potsheards of the earth [human beings] to fight with their dreadfull Potter [God]." Implicitly referencing Acts 9:4, Williams states: "It is a dreadfull voyce from the King of Kings, the Lord of Lords, Endicot, Endicot why huntest thou me? why imprisonest thou me? why finest, why so bloudily whippest, why wouldest thou (did not I hould thy bloudie hands) hang and burne me?"[110]

Williams then correctly predicted (as we shall see with the later Massachusetts Bay treatment of Quakers) that Endecott and his fellow theocrats would proceed from nonlethal persecution to the execution of religious dissenters. As Williams was aware, Endecott had told Clarke that he deserved death for preaching Baptist doctrines. Williams took this statement and the principles of New England theocracy into account when making the following historically accurate prophecy:

> The truth is (and your selfe and others have said it) by your Principles such whom you count Hereticks, Blasphemers, Seducers, ought to be put to Death; You cannot be faithfull to your Principles and Consciences, if you satisfie them with but imprisoning, fining, whipping and banishing the Hereticks, and by saying that banishing is a kinde of Death, as some chiefe with you (in my case formerly) have said it.[111]

Williams closed his letter with a request that Endecott search his own heart in private and repent: that he fix himself "[o]n a Moderation toward the Spirits and Consciences of all mankinde, meerly differing from or opposing yours with onely Religious

and Spiritual opposition" and that he adopt a "deepe and cordiall Resolution (in these wonderfull searching, disputing, and dissenting times) to search, to listen, to pray, to fast, and more fearefully, more tremblingly to enquire what the holy pleasure, and the holy mysteries of the most Holy are . . . ."[112]

The Decision for a Second Mission to England

In early August of 1651, Roger Williams notified John Winthrop Jr. that William Coddington had returned to New England and that the English government had made him governor "of this Colonie" for life. Actually, Coddington had been made governor for life only of Aquidneck and Conanicut Islands.[113]

On September 1, 1651, William Arnold of Pawtuxet reported to his Massachusetts overlords that, since Coddington had been granted a charter over Aquidneck and Conanicut Islands, the mainland towns of Providence and Shawomet (Warwick) were gathering funds to send Roger Williams to England to obtain a separate charter for the mainland. Arnold wrote that he was providing such information so that such an evil might be prevented before it came to too great a head. He said he had even heard that some of the residents of Shawomet had opposed putting people to death for witchcraft on the ground that there were no witches or devils on earth other than the Massachusetts pastors and ministers.[114]

In a September 13, 1651 letter to Coddington, the United Colonies acknowledged that the Parliament had committed the government of Aquidneck Island to his trust. The letter demanded that Coddington give up fugitives that had escaped to the island from any member of the United Colonies. It did not identify whether these were fugitives from governmental religious persecution, but, considering the historical background, it seems likely that such was the case, at least in part.[115]

Many of Roger Williams's letters during the preceding years had been sent from his trading post at Cocumscussoc (which he also called "Narragansett"). His wife and at least one of his daughters had spent some time with him there.[116] He appears to have brought goods from Providence to Cocumscussoc by canoe, which on one occasion capsized (see Map 3).[117]

On October 6, 1651, Williams notified John Winthrop Jr. that he had decided to revisit England, because "[m]y Neighbours of Providence and Warwick (whom I also lately denied) with Importunities have overcome me to endeavour the Renewing of their Liberties upon the occasion of Mr Coddingtons late grant. Upon this occasion I have bene advised to sell and have sold this howse [the trading post at Cocumscussoc] to Mr Smith my neighbour . . . ."[118]

Williams requested, and received, permission from Massachusetts Bay to pass through its territory on his way to and from England.[119] On October 15, 1651, almost all of the inhabitants of Newport also requested John Clarke to represent their interests in England; a substantial number of the inhabitants of Portsmouth signed a similar request.[120] Williams and Clarke sailed from Boston to England in November.[121] Pending the outcome of their efforts, the communities of Providence and Warwick decided to continue their colonial government, in the absence of Aquidneck Island, under the 1644 charter.[122]

CHAPTER 7

Roger Williams's Second Visit to England (1652-54)

> Oh let not this bold *cry* offend, and though offend, yet let it throughly *awake* your noble *spirits* to know your dangers & hindrances (more then other mens) from a world of *distractions* from without, from *pride* & *self-confidence* from within, from the flatteries of such who (hoping for rewards & morsels from you) proclaim abroad (that you may hear it) O blessed *Christian Magistrates*, *Christian Kings & Queens*, *Christian States*, *Christian Parliaments*, *Christian Armies*, so lulling your pretious souls into an *eternall sleep.*
>
> Roger Williams, "To the Most Honorable The Parliament of the Common-wealth of England," in Roger Williams, *The Bloody Tenent Yet More Bloody . . .* (1652)[1]

Roger Williams's Influence on English Developments, 1643-51

During his first return trip to England (1643-44), Roger Williams had many discussions with emerging leaders of religious and political thought in revolutionary England. He also came to the attention of persons who objected strongly to his religious and political positions.[2]

One of his critics was the Scottish Presbyterian divine Robert Baillie, a member of the Westminster Assembly. In a June 7, 1644

public letter, Baillie wrote that "Mr. Williams has drawn a great number after him, to a singular Independencie, denying any true church in the world, and will have every man serve God by himselfe alone, without any church at all. This man h[a]s made a great and bitter schisme latelie among the Independents."[3] Baillie stated in another letter a few weeks later that "[t]he sectaries of diverse sorts, Anabaptists chiefly, increase here. Very many are for a total libertie of all religions, and write very plausible treatises for that end." He added that various Independents "are stepped out of the [established] Church and follow my good acquaintance Mr. Roger Williams: who sayes, there is no church, no sacraments, no pastors, no church-officers, or ordinance in the world, nor h[a]s been since a few years after the Apostles."[4] It is clear from Baillie's remarks that Williams became known during his 1643-44 visit to England as being a religious Seeker committed to liberty of conscience and separation of church and state.

As used in mid-seventeenth-century England, the term "Independents" meant, strictly speaking, Congregationalists as distinguished from Presbyterians. English Congregationalists had their own version of an established church, which mirrored the theocratic Congregationalist establishment in Massachusetts. Instead of a Presbyterian ecclesiastical structure between the individual congregation and the civil magistrate, they supported an immediate appeal from the congregation to the magistrate regarding religious disputes. Like the Presbyterians, they believed the civil magistrate should define and enforce criminal laws against heresy and blasphemy. Both Presbyterians and Congregationalists advocated significant governmental involvement in religion. But seventeenth-century Presbyterian propagandists sometimes used the term "Independents" to conflate Congregationalists with those who supported complete liberty of conscience and total separation of church and state: Separatists, "Anabaptists," and others who opposed any kind of established

church. These, along with other dissenting groups, were also called "Sectarians" or "Sectaries" in that they refused to conform to an established Presbyterian ecclesiastical and governmental structure.[5]

In his famous *Dissuasive from the Errours of the Time* (published in 1646), Baillie maintained that "Liberty of Conscience, and Toleration of all or any Religion is so prodigious an impiety, that this religious Parliament cannot but abhorre the very naming of it. Whatever may be the opinion of *Jo[hn] Goodwin*, of Mr *Williams* and some of their stamp, yet Mr *Burrowes* in his late Irenicon[,] upon many unanswerable arguments[,] explodes that abomination."[6] Baillie cited and discussed Williams's *Key into the Language of America* (1643), *Mr. Cottons Letter Examined* (1644), *The Bloudy Tenent* (1644), and *Christenings make not Christians* (1646).[7] But although Baillie was very much opposed to Williams's religious and political views, he spoke highly of his veracity: "if I mistake not the humour of the man, [Williams] is very unwilling to report a lie of his greatest enemie."[8] He also wrote of Williams's "great sincerity, though in a very erroneous way, and of his disposition, . . . even his great aversnesse from reporting known lyes in a matter of fact, of any living man."[9] This was not the first—or last—time that Williams impressed his religious and political opponents with his personal character.

William Prynne (1600-69) was one of the leaders of the Puritan revolt against King Charles I. He opposed the monarchical theory of the divine right of kings. However, he advocated, as a substitute, the concept of the absolute sovereign power of Parliament. Accordingly, he was opposed to liberty of conscience and separation of church and state. In his *Twelve Considerable Serious Questions touching Church Government*, published in about September 1644, Prynne asserted that Williams's recently published *Bloudy Tenent* was a "dangerous" and "*Licentious Booke*" and questioned whether his views would not result in the "detestable

conclusion" that "*every man, whether he be Jew, Turk* [Muslim], *Pagan, Papist, Arminian, Anabaptist, &c. ought to be left to his owne free liberty of conscience, without any coertion or restraint, to embrace & publikely to profess what Religion, Opinion, Church-Government he pleaseth, & conceiveth to be truest, though never so erronious, false, seditious, detestable in it selfe?*"[10] Similarly, he wrote the following year that if all particular churches have religious freedom, "then marke the consequence: *Papists*, *Arminians*, *Anabaptists*, *Socinians Antinomians*, *Arrians*, *Familists*, (and as one Master *Williams* an Independent affirmes, in Print, *Mahumetans*, *Jewes*, and all the severall Sects of Religions in the world . . .) must be absolute and Independent to[o]; nor may any Magistrates, Parliament, Synod, make Lawes to regulate, reclaime, suppresse or punish them . . . ." Such doctrines "would open a large gappe to all Errours, Heresies, all Sectaries, Schismaticks impious practices and opinions, without the least impunity, restraint, or meanes of reformation."[11]

During these years, the first Civil War was still going on between king and Parliament. Such anti-Williams pronouncements by Baillie, Prynne, and other supporters of Parliament and the Westminster Assembly made it clear that a parliamentary victory would not necessarily lead to religious freedom. Many other such attacks were made against Williams's writings on liberty of conscience during and after his first return visit to England.[12] As one historian of the era put it, "Religious tolerance went against the grain of seventeenth-century thinking."[13]

But Roger Williams's political and publishing efforts during his first return visit to England helped create a strong movement in favor of liberty of conscience and separation of church and state. One early twentieth-century American scholar, James Ernst, spent a significant period of time at the British Museum studying the publications of the seventeenth-century Puritan revolutionary era. He found that a large number of pamphlets published from 1643 to the end of 1649 directly cited, quoted, or paraphrased

Williams's writings. These included eighteen pamphlets during the last four months of 1644, twenty-six in 1645, twenty-four in 1646, twenty-seven in 1647, twenty-five during "the revolutionary year" of 1648, and thirteen in 1649, the year of the execution of King Charles I. Ernst also reviewed many other pamphlets that discussed the ideas of liberty of conscience and separation of church and state in a more general way. Many of these publications, whether they explicitly cited Williams or not, supported his principles and, in Ernst's words, "helped to spread the seeds of the approaching revolution."[14]

Additionally, during his 1643-44 visit to England, Williams met with and apparently influenced many individuals who later propagated his political and religious ideas. According to Ernst, "he began at once to agitate among the Independents and Sectaries in and around London." He not only "took part in religious and political meetings with the Independents and Sectaries of Parliament and Assembly of Divines" but "more important still, he began to take part in meetings of the religious brotherhoods and political radicals, many of whom later spread his Seeker views and his revolutionary doctrines to the farther corners of England and Wales." Indeed, "[d]uring his first year in London, the Sectaries and republican groups began to take over some of his doctrines brought from America, even using his peculiar phraseology."[15]

Ernst presented a considerable amount of historical evidence that Williams exerted a strong influence on those English radicals, including many Levellers, who demanded liberty of conscience and separation of church and state during the 1640s and 1650s.[16] Williams's arguments for liberty of conscience and separation of church and state were often used by English opponents of Presbyterian and Congregationalist theocracy during the Puritan revolutionary period. Professor A. S. P. Woodhouse observed, in reference to *The Bloudy Tenent*, that "all the Levellers,

when arguing in favour of religious liberty, do so on the grounds set forth in that great book, which is as orthodox as it is radical."[17] Professor John Coffey, who called Roger Williams "the most important figure in the puritan tolerationist tradition," noted, for example, that "Samuel Richardson, a close friend of John Lilburne, drew heavily on Roger Williams . . . ."[18] Other scholars have also mentioned the influence of Williams in the mid-seventeenth-century English debates over liberty of conscience and separation of church and state.[19] But in England, as contrasted to the Town of Providence and its Rhode Island offshoots, Williams's principles did not prevail in the short term and only partially prevailed in the long term. And, as we shall see in Chapter 10, they were not entirely successful even in America.

During the middle and late 1640s the parliamentary army, under the effective control of Oliver Cromwell, became increasingly powerful. As the army achieved victories over the king's forces, the influence of the Parliament waned. The Parliament was dominated by Presbyterians. The army became a locus of Protestant "Sectarians"—Separatists, General Baptists, Particular Baptists, and others who rejected Presbyterianism and any established church. The Sectarians—both inside and outside the army—tended to follow Williams's principles of liberty of conscience and separation of church and state (which had also been part of the Baptist historical tradition). The "Leveller" movement included both such Sectarians and those who were making the transition to a more secular and democratic ideology, including a universal male franchise.

The Presbyterian majority in Parliament passed an act in May of 1648 for the punishment of religious offenses. The death penalty was prescribed for blasphemy, which included atheism and anti-Trinitarianism. Arminians (those who rejected the doctrine of Calvinist predestinarianism), universalists,

Baptists, and Antinomians were subject to imprisonment for heresy.[20]

The army, however, was not satisfied with the Parliament. In what is known as Pride's Purge, soldiers prevented many Presbyterian and "moderate" members of Parliament from taking their seats in December of 1648, resulting in what became known as the Rump Parliament. King Charles I was executed on January 30, 1649, and the Interregnum (the period, 1649-1660, in which England did not have a monarch) began.[21]

By May of 1649 the Rump abolished both the monarchy and the House of Lords and officially established the Commonwealth of England. The new republic was governed by the reduced Parliament and by an executive Council of State.[22] After military campaigns in Ireland and Scotland, Oliver Cromwell returned to what he regarded as an unsatisfactory situation in Parliament. In April of 1653, Cromwell and a military force loyal to him dissolved the Parliament. There followed a Parliament based on religious qualifications that was known variously as the Nominated Assembly, the Parliament of Saints, or the Barebones Parliament. After an ineffectual sitting of a few months, that Parliament dissolved itself. In December of 1653, Cromwell established his Protectorate. He tried various parliamentary experiments, but none worked according to his desires, and he ruled as a quasi-monarchical "Lord Protector" until his death on September 3, 1658. Although his son, Richard Cromwell, succeeded to the office of Lord Protector, Richard was forced out of power and the Protectorate was abolished in May of 1659. After a period of instability characterized by resurgent Presbyterian and royalist elements, the Stuart monarchy under King Charles II was restored in 1660. Appendix D addresses some additional developments, especially in the lives of John Locke and Henry Stubbe, during the years before and after the Restoration.

Experiments of Spiritual Life & Health (1652)

In about 1650, when Roger Williams was traveling and dwelling among Native Americans, he wrote an extended essay for his wife, who was then seriously ill. After Williams returned to England for his second visit, he published this writing in May of 1652. He entitled it *Experiments of Spiritual Life & Health, and their Preservatives* . . . . The word "experiments" meant, in the seventeenth century, what we now mean by "experiences" or "evidences."[23]

Williams formally dedicated the *Experiments* to Lady Vane, the wife of his good friend Sir Henry Vane. Williams noted that Sir Henry "*hath been such a* mercifull *and* faithfull Instrument, *for both the* freedoms *both of the* outward *and* inner man." By this statement, Williams acknowledged both the religious orientation of Vane and the latter's commitment to liberty of conscience.[24] Williams was probably living at this time at Vane's residence at Charing Cross in London.[25]

Experiments is an interesting exploration of personal religious experience. Since this topic is outside the scope of the present book, we shall not address this pamphlet further here.

The Humble Proposals (1652) of the Congregationalist Ministers

Oliver Cromwell met John Owen, a Congregationalist minister, on April 19, 1649. Impressed by his sermon of that date, Cromwell invited Owen to accompany him on the Irish military campaign.[26] Owen became Cromwell's chaplain and, along with other Independent divines, was quite influential in formulating the later church-state settlement of the Cromwellian regime. In 1651, Cromwell was also in friendly communication with John Cotton of the Massachusetts Congregationalist theocracy.[27]

Owen and the Congregationalist ministers were focused on determining which religious views should tolerated and which not. The issue came to a head in early 1652 when a Socinian book known popularly as the Racovian Catechism was published. Socinianism was a sect, similar to modern-day Unitarianism, that rejected the Trinity and thus the divinity of Christ. Owen considered Socinianism to be a heresy that was outside any toleration that he might be willing to grant to more orthodox Protestants. Owen and his group of Congregationalist ministers formulated what they called *The Humble Proposals* and submitted this proposal to the Parliament on February 11, 1652. The parliamentary Committee for Propagation of the Gospel considered *The Humble Proposals* on March 31, 1652.

The Humble Proposals began with a series of propositions, starting with a recommendation that the sheriff of each county report the following to a governmental committee: which parishes lacked a religious minister, the "maintenance" (financial support through compulsory tithes or other means) available in such parishes for ministers, and the names of ministers in each county who had no "livings" (religious positions supported by governmental land or compulsory tithes). It then proposed that "so many of [the ministers without livings] as shall be found able, godly, and Orthodox, be placed in such vacant Parishes as by the said Committee shall be thought fit."[28] It should be noted that "godly" in the seventeenth century had the meaning which we currently ascribe to "Puritan" or "Calvinist." It did not include Roman Catholics, Anglicans, Jews, Muslims, or other disfavored groups. Similarly, the term "orthodox" was probably meant to exclude the more radical Protestant sects.

The foregoing provisions apparently applied to the traditional parishes of the English established church. *The Humble Proposals* next considered the "gathered" churches that were organized on Congregationalist principles. The Congregationalist churches

were, in theory, supposed to be able to choose their own pastors. However, this document stipulated that any such gathered church must signify to a governmental committee "whom they have chosen, or shall choose for their Pastor; And that such, and only such, be declared right Constituted Churches, whose Pastor shall be approved by the said Committee to be able, godly, and orthodox." Similarly, the governmental committee had the power to approve or disapprove any successor pastor when the original pastor died or resigned.[29] As discussed in Chapter 2 and Appendix B, Massachusetts Bay enacted similar legislation for its theocratic Congregationalist establishment.

Additionally, each pastor of a gathered church would be required by law to compile a list of those church members, approved by the church, who were deemed to be "orthodox." No one would be allowed to speak at any church assembly or meeting except approved "Ministers of the Word" and "orthodox" church members unless such ministers or church members allowed others to speak for special and limited purposes. In any public meeting or assembly of people (apparently even in meetings that were not religious in nature), only ministers or those permitted by approved ministers or church members would be allowed to speak.[30]

The text of *The Humble Proposals* then proceeded to a section that appeared to be the "humble Proposals" proper; the exact relationship between this and the former section is not entirely clear. The first of these humble proposals stated that formal ordination was not necessary for a person to become a minister, thereby rejecting centuries of apostolic succession theory long followed by Roman Catholics, Anglicans, and Presbyterians. However, the Congregationalist ministers recommended a system of governmental triers and ejectors to determine eligibility for the ministry. A certain number of "Persons, Ministers, and others of eminency, and known ability and godlinesse" would be

"appointed to sit in every County, to examine, judge, and approve all such persons" wishing to preach the Gospel. These applicants for the ministry would be required to have testimonials of their "Piety and soundnesse in the Faith, under the hands of six godly Ministers and Christians, gathered together for that end and purpose, unto whom he is personally knowne; of which number two at the least to be Ministers."[31]

Parliament would also appoint "a number of Persons, Ministers and others of eminent piety, zeale, faithfulnesse, ability and prudence," later called "ejectors," to "go through the Nation, to enquire after, examine, judge of, and eject all such persons as shall be found unfit for the Ministery, or teaching of Schooles," specifically, those "Ministers who are Ignorant, Scandalous, Non-resident, or disturbers of the publick peace; and of all Schoolmasters who shall be found Popish, scandalous, or dis-affected to the Government of the Common-wealth."[32]

The Humble Proposals recommended a law that "all persons whatsoever within this Nation be required to attend the publike Preaching of the Gospel every Lords day, in places commonly allowed, and usually called Churches, except such persons as through scruple of Conscience do abstain from those Assemblies." However, "all persons dissenting from the Doctrine and Way of Worship owned [approved] by the State . . . [shall] be required to meet (if they have any constant meetings) in places publikely known, and to give notice to some Magistrate of such their place of ordinary meetings."[33]

Significantly, the Congregationalist ministers suggested that "such who do not receive, but oppose those Principles of Christian Religion, without acknowledgment whereof the Scriptures do clearly and plainly affirm that Salvation is not to be obtained, as those formerly complained of by the Ministers [for example, the Socinian heretics]; may not be suffered to preach or promulgate any thing in

opposition unto such Principles."[34] On April 2, 1652, Parliament ordered the Socinian Racovian Catechism to be burned.[35]

The "principles" or, as they came to be known, "fundamentals" of faith defined the line between what would be tolerated, on the one hand, and what would be considered heresy and not tolerated, on the other. *The Humble Proposals*, as issued in the spring of 1652, did not include these principles, and they were not published until the following December.[36]

The first principle was that the Bible constitutes "that rule of knowing God, and living unto him, which who so doth not believe, but betakes himself to any other way discovering truth, and the minde of God instead thereof, cannot be saved."[37] This principle essentially defined Roman Catholics and the more unorthodox Protestant sects such as Socinians and Quakers as heretical.

The second principle or fundamental was that God can only be known through faith. This appears to be related to the thirteenth principle: "That we are justified and saved by Grace [the predestined election of God], and faith in Jesus Christ, and not by workes."[38] These principles were implicitly directed against Roman Catholics and perhaps some Protestants, who allegedly taught justification by works. One is reminded of the Antinomian controversy in Massachusetts (see Chapter 3).

Other fundamentals addressed some of the famous heresies throughout Christian history. The fourth principle reaffirmed the dogma that "his God is one in three persons, or substances," thus again rejecting those who denied the Trinity.[39] Interestingly, none of the principles addressed the specific topic of baptism, perhaps signaling that the Congregationalists were moving in Cromwell's direction of tolerating Baptists.

The principles defined in the December 1652 document signified a willingness to tolerate Protestant sects that followed the most basic dogmas of the Puritan faith. However, many religious dissenters expressed opposition to the church-state merger

expressed in *The Humble Proposals* issued in the spring of that year and reaffirmed in the December edition.[40] Among the opponents of *The Humble Proposals* was that great and already famous advocate of separation of church and state—Roger Williams.

The Fourth Paper, Presented by Major Butler (1652)

George Thomason reported receiving *The Humble Proposals* on March 31, 1652. However he received a publication by Roger Williams opposing *The Humble Proposals* on the previous day. Williams's pamphlet was entitled, in part, *The Fourth Paper, Presented by Major Butler, To the Honourable Committee of Parliament, for the Propagating the Gospel of* Christ *Jesus* . . . .[41] Williams indicated that the printer gave him an advance copy of *The Humble Proposals*, which apparently enabled him to publish his pamphlet at least a day earlier.[42]

Major William Butler was one of several individuals who had protested against *The Humble Proposals*. However, his objections had not been previously published. Williams's pamphlet included Butler's written protest, a letter from Christopher Goad to Butler supporting the latter's protest, the text of *The Humble Proposals*, and an introduction ("To the truly *Christian* Reader") and commentary ("A *Testimony* to the 4th *Paper* presented by *Major* Butler to the Honourable *Committee* for propagating the *Gospel*") by Williams. The title page of Williams's *Fourth Paper* included the names of six individuals who approved its publication. Among these was Major Butler himself and Charles Vane, the brother of Sir Henry Vane.

Major Butler's analysis was brief, albeit studded with scriptural citations. In his first objection, he "humbly Proposed, Whether Christ Jesus, the Lord of the Harvest, doth not send forth Labourers into his Vineyard, furnishing them by his Spirit, and bearing witness to their Labours, without the Testimony and Reward of men?"[43] In other words, Butler objected to the

selection and payment of ministers by government, for which the New Testament afforded no precedent. Similarly, Goad emphasized that "God hath made us able *Ministers* of the new Testament," but "to go forth in man, according to the *Proposals* of some unto the *Committee*, is to go forth for *Christ*, against him."[44] Williams elaborated on this theme, discussing in some detail what the New Testament meant by "sending" persons to perform religious functions. He concluded, as he always concluded, that only God can send such persons. Those who are sent and paid by a civil government "can never be said to be *sent* by *Christ Jesus*, although all the *Civil Powers* in the World should subscribe to their *Commissions* and *Sendings*."[45]

In his second proposition, Butler queried, citing numerous scriptural passages, whether "it be not the Will (or Counsell) of God that there must be Heresies, yea damnable Heresies, that such who are approved may be made manifest? And whether it be not the pleasure of God, that the Judgement and Condemnation of such false Teachers and Hereticks be left to himself?"[46] Goad supported this position by citing the parable of the wheat and the tares, discussed at length in Chapter 5, and concluded: "That which is now held forth in some *Proposals*, hath been the *foundation* of all the persecution and confusion which hath been in the *Churches* . . . ."[47] Williams agreed that the referenced scriptural passages led to the conclusion that it was "the *will of God*, that *Christians* and *Antichristians*, the *Wheat* and the *Tares*, should be permitted to dwell, to trade, to live and die in the *common Field* of the *World* together" and that God would ultimately, without the assistance of human beings, judge all heresies.[48]

Butler's third issue was whether "for the Civil powers to assume a judgement in Spirituals, be not against the Liberties given by Christ Jesus to his people?"[49] Goad agreed that "to *Jesus* the *Mediator* of the new *Covenant*, we are returned unto the *Archbishop* of our *Souls* and we cannot go back to mens *Judgements* . . . ."[50]

Here, Williams reiterated several arguments he had already suggested in earlier writings, including his typological argument regarding the relationship between the Old Testament and the New Testament (see Chapters 4 and 5). In his *Fourth Paper* commentary, he observed that that although the clergy had preached the divine right of monarchical authority in spiritual matters after the pattern of the Old Testament, the parliaments and the people had since pleaded that "*Princes* could not receive but what the *Parliaments* gave them, and the *Parliaments* could not give them but what the *People* gave the *Parliament* their *Representative*; which could not possibly be a Spiritual and Soul-power." Thus Williams, though acknowledging and approving the historical development of political theory from monarchical divine right to popular sovereignty, stated again the lesson he repeatedly drew from this history: the ever-changing popular electorate, often ignorant of true Christianity, could not legitimately dictate religious doctrine and practice through their representatives in civil government. Religious rights and duties must be excluded from the purview of majoritarian politics.[51] Thomas Jefferson, James Madison, and other eighteenth- and nineteenth-century American Founders were to agree.

In elaborating further on these principles, Williams encouraged the Parliament "at last to proclaim a true and absolute *Soul-Freedom* to all the people of the Land impartially; so that no person be forced to *pray* nor *pay*, otherwise then as his Soul believeth and consenteth." Not only would such a course be consistent with "the absolute will of *God*," it would also be a politically prudent expedient for "the *easing* and *sweetening* the *minds* of the people of this Nation, who have so long cried out of *Burthens*" and for the prevention of "all the *Clergical* Designs of one sort or another . . . ." While on the topic of prudence, Williams demonstrated his superlative political acumen by suggesting, as a temporary expedient, that Parliament provide

"some *mercifull* and *humane* consideration (at least for a season) to such of the *Clergie*" who would not survive in a system of voluntary congregational choice and maintenance. Williams was quite clear about his principles and ultimate objectives. This did not, however, prevent him from recognizing the political realities and difficulties attendant to a transition from a longtime established church to a completely voluntary method of church organization and finance.[52]

Major Butler's final question was whether "it not be the duty of the Magistrate to permit the Jews, whose conversion we look for, to live freely and peaceably amongst us?"[53] King Edward I had expelled the Jews from England in 1290, though some Jews, disguising their religion, lived in that country during the sixteenth and seventeenth centuries.[54] Goad's comments on this subject are unclear.[55] Williams agreed with Butler that the English government should permit Jews to live freely and peaceably in England. He noted "the *unchristian oppressions*, *incivilities*, and *inhumanities* of this *Nation* against the *Jews*" and stated that it was the duty of the state to remove its guilt in such matters by allowing Jews to settle in England. He made an apparent, passing reference to the conversion of the Jews to Christianity, but he did not focus on such conversion in this writing.[56]

Although Cromwell favored the readmission of the Jews, he was unable to achieve this objective as a result of political opposition. However, Cromwell informally relaxed some of the restrictions against the Jews, and they had their own cemetery and synagogue by the time of his death in 1658. Jews were not legally readmitted to England until after the Restoration in 1664.[57]

Williams and others initially placed great hope in Cromwell, thinking that he might be more tolerant than many of his Congregationalist and Presbyterian compatriots. In his

introductory address "To the truly Christian Reader" in the *Fourth Paper* pamphlet, Williams pointed to statements made by Cromwell that seemed to support freedom of conscience.[58] But Cromwell supported toleration only for the sake of the godly elect, and he implemented a slightly modified version of the governmental triers and ejectors program set forth in *The Humble Proposals.* The Cromwellian religious system hopelessly confounded government and religion. Cromwell's Erastian or theocratic concept of church-state relations turned out to be virtually the opposite of the principles of Roger Williams and his followers.[59]

The Hireling Ministry None of Christs (1652)

In April of 1652, Roger Williams published *The Hireling Ministry None of Christs* under his own name.[60] In an introductory address he explained the circumstances of this publication. He said he wrote most of the work in two copies for two eminent friends of Jesus Christ and this nation (England). Pressed for additional copies, he decided to have it printed and distributed to the public.[61]

His introductory address also referenced, among other things, the bloodshed in Ireland occasioned by the brutal conflicts between Protestants and Catholics in that land. In 1641, the Irish had rebelled against English rule, resulting in what was alleged to have been a massacre of about 2,000 Protestants. A 1649-50 military campaign by Protestant English soldiers under the leadership of Oliver Cromwell slaughtered thousands of Irish Catholics, and the English conquest of Ireland by 1652 resulted in the extermination, through military action and disease, of an estimated one-fifth of the Irish population.[62]

Roger Williams pointed out that little blood had been shed in Ireland before England became a Protestant nation under Henry VIII. Then the Protestant princes "*restrained by the civil* Sword

and penalties" the consciences of Irish Catholics, resulting in "*the* showers *and* rivers [of blood] *both of one and the other . . . .*":

> Ireland *hath been an Akeldama, a* field *of* blood; *probable it is, that the* guilt of all that blood, Protestant *and* Papist, *will fall upon this* Bloody Tenent, *of which both* Papist and Protestant *are* guilty; *to wit, of not* permitting *the* Hereticks, *the* Blasphemers, &c. *as the* Sword *falls either into the hand of a* Popish *or a* Protestant Victor.[63]

Much of *The Hireling Ministry* repeated arguments made in Williams's earlier writings. He did, however, provide some additional clarification regarding some issues.

For example, after praising such Protestant heroes as Wickliffe, Hus, Luther, and Calvin, Williams remarked that "there is not one of them, no not *Calvin* himselfe (the greatest *Pretender* to *Church-Order*)" who avoided "great *mistakes*, and *wanderings* from the first *Patternes* and Institutions of *Christ Jesus*."[64] Williams felt that God would somehow forgive such great Reformers for their sins.[65]

Williams criticized the Catholic, Anglican, and Presbyterian theory of ordination of ministers through alleged apostolic succession as well as the Congregationalist theory of the calling of ministers "from the people" (by individual congregations). In neither case, he said, is there "a preceding Ministry from Christ Jesus unto them, to gather, and to guide them in such their Administrations."[66]

Williams objected strongly to mandatory tithes and other governmental maintenance of churches and ministers. Instead, religious persons should voluntarily support their own churches and ministers. To the extent, if any, that such voluntary contributions were insufficient, individual ministers should be willing to work, as did Paul and other apostles, with their own hands to support themselves. The ministry should not be a trade in which ministers

refuse to preach unless they are paid. Indeed, there have been "many *excellent Prophets* and *Witnesses* of *Christ Jesus*, who never entred (as they say) into the *Ministry*, to wit, *Lawyers*, *Physitians*, *Souldiers*, *Tradesmen*, and others of higher and lower *rank . . . .*"[67]

Williams once again discussed "that great point of *Conversion*," which was such a hot-button topic in seventeenth-century England. Although many Presbyterians, Congregationalists, and other dissenting Protestants longed for the conversion of the English, Irish, Jews, and Native Americans according to their respective theocratic church-state patterns, Williams taught, following his own revised thinking about such matters, that the first great work was the "bringing of the *Saints* out of *Babel*, or *confused worships*," that is, out of the established (or proposed established) churches modeled on the fourth-century Constantinian merger of church and state. Referencing what he said was a probable interpretation of Revelation 15, he believed that until the theocratic churches were destroyed, "no man that is (few of the *Jewes* or Gentiles) shall by conversion enter in."[68]

The scriptural passage that kings should be "nursing fathers" to the church was frequently cited in support of theocracy. Williams noted that this passage had been "abused," and he responded that civil magistrates had only very limited duties regarding religion. First, they should remove the civil bars and obstructions that "pinch the very *Soules* and *consciences* of men" such as compulsory tithes and other maintenance of ministers, enforced oaths and associated religious ceremonies in the courts of justice, required religious (as distinguished from civil) marriages, required religious (as distinguished from civil) funerals, enforced holy days (required attendance at an established church), and so forth. Second, the civil government should recognize "a free and absolute *permission* of the *consciences* of all men, in what is meerly spiritual, not the very *consciences* of the *Jews*, nor the *consciences* of the *Turkes* [Muslims] or *Papists* or *Pagans* themselves

excepted." Finally, the civil state should provide for the security of all the respective consciences in their respective meetings, assemblies, preaching, disputing, and so forth such that civil peace is maintained.[69]

Near the end of this tract, Williams devoted a section to the long-established system whereby the government divided up all of its territory into parishes and required all the people in each parish to attend the established church in that parish. Williams said that this imposition of religion on people was comparable to the state choosing and imposing husbands and wives in the way of marriage on the people. Rather, the proper object of the civil state is to cast the nation into civil form and to appoint civil officers throughout the nation to record the birth of children and "to take order as to *marriages* and *buryings* of all *people* impartially in a *civill way*," as distinguished from the traditional parish system of having these functions being exclusively performed by the established church.[70]

Williams concluded this pamphlet with an offer to debate any of five proposals, discussed earlier in that publication or in his contribution to the *Fourth Paper*. Perhaps the most significant of these was the third proposal: that it is the duty of the civil magistrate "*to suppresse all* violences *to the* Bodies *and* Goods *of men for their* Souls beliefe, *and to provide, that not one* person *in the* Land *be* Restrained *from*, or Constrained *to any* Worship, Ministry, *or* Maintenance, *but* peaceably *maintained in his* Soul, *as well as* Corporall Freedome . . . ."[71]

The Bloody Tenent Yet More Bloody: "An *Appendix* to the *Cleargie* of the foure great *Parties* . . . ." (1652)

As mentioned earlier, Williams's *Bloody Tenent Yet More Bloody* was mostly written before his second visit to England. Chapter 5 discusses some of the major philosophical themes of this

work. We examined Williams's August-September 1651 letter to Massachusetts Governor John Endecott in Chapter 6, and that letter was appended to *The Bloody Tenent Yet More Bloody* when it was published sometime after May 18, 1652.[72] That volume also contained another appendix pertaining to then recent events: "An *Appendix*. To the *Cleargie* of the four great *Parties* (professing the Name of *Christ Jesus*) in *England*, *Scotland*, and *Ireland*, viz. The *Popish*, *Prelaticall*, *Presbyterian*, and *Independent*."[73] We shall now consider this appended address to the English clerical parties: the "Popish" (Roman Catholic), "Prelaticall" (Anglican), Presbyterian, and Independent (Congregationalist) clergy.

This relatively brief paper is a masterpiece of Williams's rhetoric. In it, he applies some of the major themes of his earlier writing to current English theologico-political controversies. He is unconstrained by the conventions of the disputation genre. Instead, he speaks clearly, eloquently, and without undue repetition and dense scriptural exegesis. The result might be said to be polemical, but it is polemics at a very high level—much more cogent, for example, than many of the polemical writings of his friend John Milton.

Williams begins by observing that, although he has defended the rights of conscience of people belonging to these four groups, yet he has also impartially opposed them insofar as they have been guilty of "that *bloudie* Doctrine of persecuting each other for your *Consciences*." Indeed, Williams notes that "You *foure* have torne the seamless Coate of the Son of *God* into *foure* pieces, and (to say nothing of former *Times* and *Tearings*) you *foure* have torne the three *Nations* [England, Scotland, Ireland] into thousands of *pieces* and *Distractions*."[74]

The Catholics and Anglicans, Williams wrote, are brethren. So are the Presbyterians and Independents. But whenever any of these four have gained political power they have exerted the "heavie wrathfull hand of an *unbrotherly* and unchristian *persecutour*" over the others.[75]

Williams considers a possible objection that the Independents (Congregationalists) are "the great pleaders for *Libertie* of *Conscience*, &c." He answers that the Independents, like most persecutors, are concerned only for freedom of conscience for themselves, not for others. He cites, as evidence, John Cotton's *Bloudy Tenent Washed* and the twenty years of Congregationalist persecution in Massachusetts Bay, culminating in the recent prosecutions against John Clarke, Obadiah Holmes, and other Baptists. He references the discussion of the theocratic Massachusetts laws in Clarke's just-published *Ill Newes from New-England*. And he reminds the reader of the Erastian or theocratic recommendations of the English Congregationalist ministers in *The Humble Proposals*, in which the civil state must judge of the spiritual, for example, whether persons be fit for the church estate, whether the gathering be right, whether the people's choice for minister be right, and whether the doctrines be right. "Into these *Prisons*, and *Cages*, doe those (otherwise worthy and excellent Men, the) *Independents*, put all the Children of *God*, and all the Children of *Men* in the whole World, and then bid them *flie* and *walke* at *Libertie* (to wit, within the Conjured *Circle*) so far as they please."[76]

Williams observed that the Independent proposal for governmental ejectors would result in the ejection of hundreds or, more likely, thousands of Anglican and Presbyterian ministers, "and that without & against their *Peoples consent*, to the present Distressing of thousands, and inraging (through such *Soul-oppressions*) the whole *Nation!*" Although the Congregationalist ministers would no longer require ordination, they would require each successful candidate for the ministry to have the approbation of at least two existing ministers. And for those who "cannot bow downe to their Goulden *Image*, though of the finest and latest *Edition* and *Fashion*," *The Humble Proposals* would indeed allow them to meet apart in private, provided that they acquaint the civil magistrate,

"that is, as it may fall out, (who knowes how soon?) and too too often hath faln out, the poore *Sheepe* and *Deere* of *Christ* must take *License* of and *betray* themselves unto the *pawes* and *jawes* of their Lyon-like *persecutours*."[77]

Again, Williams exhibited his remarkable political prudence in suggesting governmental relief for those ministers who were to be ejected, given the fact that their previous status, albeit wrongly conferred, was consistent with the history and traditions of the English nation:

> Much rather would I make another humble *plea* . . . that such who are ejected, undone, impoverished, might some way from the *State* or *you* receive *reliefe* and *succour*: Considering, that the very *Nations* Constitution hath occasioned *parents* to traine up, & *persons* to give themselves to *studies* (though in truth, but in a way of *Trade* & *Bargaining*, before *God*) yet, 'tis according to the *Custome* of the *Nation*, who ought therefore to share also, in the fault of such *Priests* and *Ministers* who in all changes are *ejected*.[78]

Williams closed this appendix with an appeal to the spirit of Christian love against the self-interested and bloody doctrine of persecution for cause of conscience.[79]

The Examiner defended (1652)

In about June of 1652, an anonymous author published *Zeal Examined: or, A Discourse for Liberty of Conscience in Matters of Religion* . . . .[80] About a month later, another anonymous author responded with *The Examiner Examined* . . . .[81] About mid-September 1652, Roger Williams, writing anonymously, published a response to *The Examiner Examined* entitled *The Examiner defended* . . . .[82]

In his introductory epistle "To the Reader," Williams wrote that it was desired that the author of *Zeal Examined* would have responded to *The Examiner Examined*. As a result of health problems and the "multiplicity of Publike affairs *engaging his* hours and minutes," however, that author was unable to respond and Williams responded instead.[83] This passage, along with Williams's close friendship with Sir Henry Vane, suggests that Vane was the author of *Zeal Examined*.[84]

Zeal Examined was generally a great explication of the grounds for liberty of conscience. It had some parallels with Williams's earlier arguments, but it also developed some additional arguments. Its careful reasoning was typical of Vane's work product. However, it departed from Williams's position of unqualified freedom of conscience by refusing to extend toleration to Roman Catholics—not on the ground of their religious beliefs and practices but rather on the basis of their presumed obedience to a foreign power (the papacy).[85]

The Examiner Examined was an orthodox defense of theocracy, adapted to address Vane's arguments.

The Examiner defended is largely a recapitulation of Williams's earlier writings. We have cited it above in the context of other discussions of his thought. Much of it involves detailed theological argumentation that is beyond the scope of the present book. Accordingly, the details of *The Examiner defended* need not be further discussed here.[86]

Roger Williams and John Milton

Although it is possible that Roger Williams became acquainted with John Milton during his first return visit to England, no historical evidence survives of any such interaction. However, Williams himself refers to conversations with Milton during his second visit. Milton was the Secretary of Foreign Tongues in the English

government at this time. After Williams returned to Providence, he wrote to John Winthrop Jr. about his intellectual friendship with Milton: "The Secretarie of the Councell (Mr. Milton)[,] for my Dutch [that] I read him[,] read me many more languages." In other words, Williams and Milton helped teach each other various languages.[87]

Milton shared Williams's commitment to liberty of conscience up to a point. However, Milton (like John Locke later) appeared, "for just reason of state more then of religion," not to approve of freedom of conscience for Roman Catholics or for others, including Protestants, who would use force against those of contrary beliefs. Furthermore, Milton seemed to approve of governmental prohibition of what he deemed to be idolatry.[88] In contrast, Williams advocated liberty of conscience for people of all religions or of no religion.

The Interim Reaffirmation of the 1644 Charter and Implicit Revocation of the Coddington Commission (1652)

Roger Williams and John Clarke petitioned the English Council of State on April 8, 1652, to investigate the Coddington commission granted earlier. The Council referred the matter to the Committee for Foreign Affairs. Although Sir Henry Vane was an important parliamentary force in support of the position, Vane was not always present during the deliberations on it, and the matter was delayed.[89]

In an October 2, 1652 letter to "the Magistrates and Free Inhabitants of Providence Plantation," the Parliament expressed dissatisfaction with the behavior of William Coddington and accordingly authorized the Colony, for the time being, "to take care of for the peace and quiet thereof, according to such orders and instructions as hath been given you by virtue of any ordinances

or acts of Parliament."[90] In an October 7, 1952 letter to Gregory Dexter, Williams stated that it was God's mercy that "We have obtained this Interim Incouragemt from the Councell of State, that you may chearefully goe on in the name of a Colonie untill the Controversie be determined." Williams nevertheless feared that the ultimate determination "will be a worck of Time . . . for our Adversaries threaten to make their last Appeales to the Paliamt in case we get the Day before the Councell." Williams estimated that he would have to remain in England until the spring of 1654, and his prediction proved to be accurate.[91]

The English war with the Dutch hindered the final disposition of the petition by Williams and Clarke, as did the instability of the Parliament itself. Vane led the parliamentary efforts on behalf of Providence Plantations, but no further determination had been made before Cromwell dissolved the Rump Parliament on April 20, 1653.[92] After further English political developments failed to result in a final decision on the petition and after various crises at home demanded Williams's attention, Williams left England for Providence in the spring of 1654, leaving John Clarke behind to negotiate with the English government. Clarke was not, however, able to make definitive progress until after the Restoration of Charles II in 1660. The resulting 1663 charter for the Colony of Rhode Island and Providence Plantations will be discussed in the next chapter.

CHAPTER 8

Political Philosopher and Counselor (1654-83)

> If you please to aske me what my praescripton is: I will not put You of[f] to Christian Moderation or Christian Humilitie, or Christian prudence, or Christian Love or Christian Selfedenyall, or Christian Contentation or Patience. For I designe a Civill, an humane, and politicall Medecine, wch if the God of Heaven please to blesse[,] You will find it Effectual, to all the Ends I have proposed. Only I must crave your pardons (both parties of you) if I judge it not fit to discover [reveal] it at present.
>
> Letter of Roger Williams to Major John Mason and Governor Thomas Prence, June 22, 1670[1]

Providence Plantations Turmoil, the Vane Correspondence, and Roger Williams

In an October 28, 1652 letter to Roger Williams in England, the General Assembly of the Colony of Providence Plantations (consisting of representatives only from Providence and Warwick) summarized some of the conflicts that were besetting the colony during those years: the Coddington commission, the voluntary subjection of the Pawtuxet settlers and some Native Americans to Massachusetts Bay, the purported land grants by Connecticut to settlers within the boundaries of Providence Plantations, and the

danger from the Dutch in New Amsterdam, including possible conspiracies between the Dutch and Coddington or between the Dutch and Native Americans against Providence Plantations.[2]

The General Assembly had not yet learned of the English government's revocation of the Coddington commission and reaffirmation of the 1644 Providence Plantations charter, which promised to alleviate at least some of these problems. When, however, the Narragansett Bay settlements did receive that news, the result was even more factionalism. Argumentation occurred over what form the reconstituted colonial government should take. Some mainland residents resisted rejoining the islanders in a new colonial government. The Town of Providence split into two competing town meetings. Meanwhile, criminal prosecutions and private litigation between members of different factions continued.[3]

Roger Williams had been made aware of such issues before he departed England for Providence in the spring of 1654. He carried with him a February 8, 1654 letter from Sir Henry Vane. Two mostly identical versions of this letter survive: one in Williams's handwriting and one in Vane's handwriting. In all probability, Williams had prepared the language of this letter for Vane to transcribe and sign.[4] The manuscript in Williams's handwriting is addressed "For the Magistrates & Howse holders of Providence, Portsmouth, Newport & Warwick or either of them & of any other Townes & Villages in Providence Colony these in New England."[5] The manuscript in Vane's handwriting is apparently addressed only to the Town of Providence, though the address sheet is missing.[6] The following is based on the version in Williams's handwriting, on the premise that the Williams version was the actual original and that it was intended for multiple addressees throughout the colony as constituted by the 1644 charter.[7]

The people of the Narragansett Bay settlements had great respect for Sir Henry Vane. He had once been governor of

Massachusetts Bay and was known to be friendly to the Antinomians who had settled Aquidneck Island (see Chapter 3). He had been instrumental in obtaining the 1644 Providence Plantations charter and the 1652 reaffirmation of that charter and revocation of the Coddington commission. Accordingly, it made a great deal of political sense for Williams to arrange with Vane to speak his own mind through the Vane letter.

The letter begins by stating that Vane "Could not refuse this bearer Mr Roger Williams, (my kind friend & ancient Acquaintance) to be accompanied with these few lines from my selfe to You upon his returne to Providence Colony . . . ." Although the letter acknowledges Vane's recent retirement from public life, it states that he is bound to communicate with them "out of the Christian Love I beare you, & for his sake whose name is calld upon by you, & engaged on your behalfe."[8]

The letter then gets right to the point:

> How is it that there are Such Divisions amongst You, Such Headiness, Disorders, Tumouts, Injustice the noyse whereof Ecchoes into the Eares of all, as Well Friends as Enemies by every returne of ships from these parts?
>
> Is not the Fear & Awe of God amongst you to restraine? Is not the Love of Christ in you to fill you with yearning Bowells one towards another, & Constraine You not to live to Yourselves, but unto him that dyed for You yea & is risen againe? Are there no wise men amongst you, no publike selfe denying spirits, that at least upon grounds of Common safety, Equitie & prudence can find out some way or means of Union or Reconcilement for You amongst Yourselves, before You become a pray to Common Enemies, especially since this state, by the last Letter from the Councell of State gave you the freedome, as Supposing that better use would have bene made of it then there hath bene?[9]

The letter concludes with a recommendation of Williams's favorite political remedy: arbitration.[10]

By the early summer of 1654, Williams arrived in Boston with this letter and with a letter of safe conduct for his passage through Massachusetts Bay to Providence.[11] After Williams arrived home and distributed the Vane letter, the Town of Providence responded in a letter dated August 27, 1654. The entirety of the Providence letter, including the signature by the Town clerk, Gregory Dexter, was in the handwriting of Williams and was perhaps composed by him.[12]

The Town's letter to Vane acknowledged the hand of God in "providing Your honble [honorable] selfe, for so noble and true a Friend to an outcast and despised people." From the first beginning of the Colony of Providence Plantations "to this very day, We have reaped the Sweete Fruits of Your Constant loving kindnes and favour towards us."[13]

The letter continues: "Oh, Sir Whence then is it, that You have bent Your Bow and shot your sharpe and better Arrowes now agst us? Whence is it that You charge us with Divisions, Disorders? etc." The letter requests Vane's "gentle acceptance of our 2 Fold Answere."[14]

"First we have bene greatly disturbed and distressed by the Ambition and Covetuousnes of Some amongst our Selves." For example, William Coddington "procured by most untrue information a Monopolie of part of the Colony . . . to himselfe, and So occasioned our generall Disturbance and Distractions." Additionally, William Dyer had generated further controversy by his actions against Dutch, French, and English commerce during the recent war between England and Holland. Although the English government had authorized privateering activities against the Dutch and had recommended Dyer for same, many on the mainland thought this policy madness and sent a remonstrance to England against it.[15]

The Town's second answer to Vane was that "possibly a sweete cup hath rendered many of us wanton and too active." They

recognized that they were fortunate to have great liberties. For example, they were immune from governmental imposition of episcopal religious laws and tithes and had not had to get involved in the civil wars in England over such issues. Moreover, "We have not felt the New chaines of the presbyterian Tyrants. Nor in this Colonie, have we bene consumed with the overzealous fire of the (so called) Godly and Christian Magistrate." With such advantages, the Town thanked Vane for awakening "any of our sleepie Spirits by Your sweete Alarum."[16]

About this time, Roger Williams also wrote a letter to the Town of Providence. It began, "I am like a Man in a great Fog. I know not well how to steer." After all the work Williams had done on behalf of the town, both in its founding and in diplomatic missions abroad, he felt he had reaped nothing "but Griefe and Sorrow and Bitternes," largely from "the Divisions and Disorders within our selves."[17]

The precise references in this letter are difficult to reconstruct at the distance of more than 350 years and the loss of contemporaneous documents. Apparently, Williams's political enemies had taunted him about the alleged failures of himself and his settlements and colony:

> I have bene charged with Folly for that Freedome and Libertie wch I have alwayes stood for. I say Libertie and Equallitie both in Land and Government. I have bene blamed for parting with Mooshawsick [Providence] and afterward Pawtuxit (wch were mine owne as truely as any mans Coate upon his back) without reserving to my selfe a foote of land or an inch of Voice in any Matter, more then to my Servants or strangers.[18]

Williams's reference to "Libertie and Equallitie both in Land and Government" has been used to support a theory that Williams

believed in a universal male franchise in government as well as an equal distribution of land. As explained above, the historical truth is more qualified. Relative to William Harris and other land-hungry would-be "proprietors," Williams was in favor of such equality. However, Williams supported some limitations to the electoral franchise and may or may not have approved of equality in governmental land grants.

Although gravely disappointed by the internal dissension of Providence Plantations, Williams blessed God "for his wonderfull Providences by wch alone this Towne and Colonie and that Grand Cause and Truth of Freedome of Conscience hath bene upheld to this day" and which "hath brought Your Names and his owne Name thus Far out of the dirt of Scorne Reproach etc."[19] Whatever other ills afflicted this political society, liberty of conscience was strong, and this remained a fact during succeeding decades and centuries in Rhode Island, including during the late eighteenth- and early nineteenth-century founding of the United States of America. Rhode Island was a byword for disorder even after the American Revolutionary War, but that state remained distinguished for its tenacious commitment to liberty of conscience.

Williams closed his letter to Providence with a request that the factions in the town agree to submit their differences to arbitration.[20] It is possible that this letter together with the Vane letter might have helped compose differences sufficiently in the town so as to facilitate the reunion of the four towns in the Providence Plantations colonial government.

Reunion of Providence Plantations

On August 31, 1654, the elected commissioners of the towns of Providence, Warwick, Portsmouth, and Newport signed articles of agreement for the reuniting of the Colony of Providence Plantations under the 1644 charter. The towns also agreed that

all colonial matters, except elections, would be decided by commissioners, of which six would be chosen by each town.[21]

The commissioners ordered the next court of election to be held on September 12, 1654, and that the officers then chosen would remain in office until the regular court of election in May of 1655. On September 1, 1654, the commissioners ordered that all persons admitted as freemen to act in any town or colony during the period of disunion were approved as freemen of the colony.[22]

In the court of election commencing on September 12, 1654, Roger Williams was chosen president of the colony.[23] He was reelected president for annual terms on May 22, 1655, and May 20, 1656.[24]

On September 13, 1654, the commissioners approved a form of engagement of officers that, like the previous form (see Chapter 6), did not contain a religious oath.[25]

In March of 1655, Oliver Cromwell, as Lord Protector, wrote to the president, assistants, and inhabitants of Rhode Island and Providence Plantations that their agent, John Clarke, had requested a more final determination of the legal status of the colony. However, as a result of other pressing affairs, "we have beene necessitated to deferr the Consideration of them to a Further opertunitie. For the mean time we were willinge to Lett you know that you are to proceade in your Governmt accordinge to the Tenor of your Charter formerly granted . . . ."[26]

In March of 1656, William Coddington formally submitted to the reunited colony.[27] The secession of Coddington and Aquidneck Island from the Colony of Providence Plantations was now a matter of history.

Williams's Ship of State Letter

In perhaps January of 1655, Roger Williams wrote a famous letter to the Town of Providence that is often called his "Ship of State"

letter.[28] The exact date and historical circumstances surrounding this letter are uncertain. Many commentators think that the letter has to do with the organization about this time of a colonial militia with compulsory military service.[29] That may be true, in whole or in part, but it is noteworthy that the letter itself contains no reference to the issue of conscription or conscientious objection to conscription.

On September 10, 1654, the Providence town meeting had selected Thomas Harris as lieutenant over the train band, that is, over the town militia. The Town reduced to some extent a fine for refusing to train with the militia. Farms that were one mile or more from the town were allowed to leave one man at home on training days.[30]

That winter there was a great "tumult and disturbance" over the question of compulsory military training. The issue was further debated in the June 4, 1655 town meeting, but it was decided that it should be "past By" for the sake of "publike union & peace sake" and "no more mentioned."[31]

Although Roger Williams's letter did not mention the question of compulsory military service, it did state that the letter was his answer to "a Paper sent to you the other Day from my Brother [Robert Williams],—*That it is Blood-Guiltiness, and against the rule of the Gospel, to execute Judgment upon Transgressors, against the private or public Weal.*" We do not have Robert Williams's paper and do not know its contents. From its title it appears that Robert Williams took a position of extreme pacifism, applying the nonresistance principle of Jesus[32] not only to compulsory military service but also to any use of governmental police power to enforce laws.

Roger Williams responded to this position as follows:

> That ever I should speak or write a Tittle that tends to such an infinite Liberty of Conscience, is a Mistake; and which I have ever disclaimed and abhorred. To prevent such Mistakes, I at present shall propose this Case.—There goes many a Ship to Sea, with many a Hundred Souls in one Ship, whose Weal and Woe is common; and is a true Picture of a Common-Wealth, or an human Combination, or Society. It hath fallen out sometimes, that both *Papists* and *Protestants*, *Jews*, and *Turks* [Muslims], may be embarqued into one Ship. Upon which Supposal I do affirm, that all the Liberty of Conscience that ever I pleaded for, turns on these two Hinges, that none of the *Papists*, *Protestants*, *Jews*, or *Turks*, be forced to come to the Ships Prayers or Worship; nor, secondly, compelled from their own particular Prayers or Worship, **if they practice any**.[33]

It is interesting to note the qualifier "if they practice any." Williams would not exempt atheists or agnostics from his principle of liberty of conscience. His list here of Roman Catholics, Protestants, Jews, and Muslims is only by way of example and is not meant to be exhaustive. For example, as we have seen from other quotations from his work, he extends freedom of conscience to pagans and to those who do not fear God. His letter then proceeds:

> I further add, that I never denied, that notwithstanding this Liberty, the Commander of this Ship ought to command the Ship's Course; yea, and also to command that Justice, Peace, and Sobriety, be kept and practised, both among the Seamen and all the Passengers. If any Seamen refuse to perform their Service, or Passengers to pay their Freight;—if any refuse to help in Person or Purse, towards the Common Charges, or Defence;—if any refuse to obey the common Laws and Orders of the Ship, concerning their common Peace and Preservation;—if any shall mutiny and rise up against their Commanders, and Officers;—if any shall preach or write, that there ought to

> be no Commanders, nor Officers, because all are equal in CHRIST, therefore no Masters, nor Officers, no Laws, nor Orders, no Corrections nor Punishments—I say, I never denied, but in such Cases, whatever is pretended, the Commander or Commanders may judge, resist, compel, and punish such Transgressors, according to their Deserts and Merits.[34]

The letter concluded: "This, if seriously and honestly minded, may, if it so please the Father of Lights, let in some Light, to such as willingly shut not their Eyes.—I—remain, studious of our common Peace and Liberty, Roger Williams."[35]

In *The Examiner defended*, Williams had similarly used the figure of the ship of state to emphasize the importance of the common good in nonspiritual matters while, at the same time, denying that civil magistrates have any power over spiritual concerns.[36]

The Ship of State letter emphasized Roger Williams's recurring theme that government may neither constrain nor restrain individuals regarding matters of conscience. It can neither compel a person to express or practice a religious viewpoint nor prohibit that person from expressing or practicing a particular spiritual viewpoint. However, common laws regarding nonspiritual concerns cannot be disobeyed on the ground that they violate one's conscientious beliefs. Thus, persons may be compelled to assist in the common defense, and they may be compelled to pay taxes to support government. They are properly subject to common criminal and civil laws and orders promoting their common peace and preservation. In a remark apparently directed at his brother's anarchic or antinomian views, Roger Williams emphatically rejected the doctrine that "there ought to be no Commanders, nor Officers, because all are equal in CHRIST, therefore no Master, nor Officers, no Laws, no Orders, no Corrections nor Punishments . . . ."

American constitutional law and jurisprudence would later evolve sophisticated legal doctrines regarding conscientious objection to military service and some other religious exceptions to otherwise universally applicable secular laws. These future developments were unknown to Roger Williams. It is difficult to predict how he would have reacted to them. But in the relatively simple and basic political society in which he found himself, he thought that no individual could properly invoke an exception to common civil duties just because that person had a unique religious perspective. Given the military threats from other colonies against the political society he had founded—threats that he correctly perceived to be directed against liberty of conscience itself—Williams exercised his political prudence to insist that no one escape their duties to the secular common good on the ground of religious belief.

Did Roger Williams also believe that the mere expression of anarchic views should be prohibited by the civil state? This letter has sometimes been so interpreted, perhaps accurately enough. Again, however, we must remember that Williams lived in a simple seventeenth-century political society in the midst of a wilderness. The Town of Providence and the Colony of Providence Plantations were exposed to real external military threats and devastating internal dissension. During later centuries, especially in the twentieth century, the U.S. Supreme Court would address such questions and develop complex constitutional standards to deal with them. By then, the United States had a strong national government that could afford to permit the expression of radical political opinion insofar as it was not a clear and present danger to its very existence. But what was and was not a clear and present danger to the existence of Providence and Providence Plantations was not so apparent to Roger Williams, especially considering the history of military threats against, and internal disunity within, that town and colony.[37]

Pawtuxet and the Richard Chasmore Case

The submission of William Arnold and other Pawtuxet residents to Massachusetts Bay jurisdiction had long been a problem for the Town of Providence and the Colony of Providence Plantations. As president of the colony, Roger Williams officially informed the Massachusetts Bay General Court that, by November of 1655, only the families of William Arnold and William Carpenter in Pawtuxet remained loyal to Massachusetts but that even they would be willing to arbitrate their differences with Providence if they could avoid offence to the Bay Colony. Williams requested the consent of Massachusetts to such arbitration and, implicitly, to the transfer of jurisdiction over Pawtuxet from Massachusetts Bay to Providence Plantations.[38]

The jurisdictional issue was exacerbated by the accusation of two Native Americans that they had seen Richard Chasmore, a resident of Pawtuxet, commit the crime of buggery (bestiality) on two separate occasions. Williams, as president of Providence Plantations, was concerned that an effort by his colony to try Chasmore for these offenses would disrupt the negotiations between Providence Plantations and Massachusetts Bay on the jurisdictional issue. Although Williams had Chasmore arrested, he delayed his trial and informed Massachusetts of these developments. Massachusetts then sent agents to take Chasmore into custody and bring him back to the Bay Colony for trial. However, an emergency Providence Town meeting resulted in the Town forcibly taking Chasmore back into custody, thus precipitating a crisis with Massachusetts. Williams was furious, as he wanted Massachusetts to deal with the Chasmore problem and the negotiations with Massachusetts to proceed without further incident. He also objected to the irregular proceedings and vigilante tactics of the emergency Providence Town meeting. In the event, Providence Plantations tried Chasmore, who was found not guilty for lack of evidence. But Massachusetts decided to wash its

hands of Pawtuxet. On May 26, 1658, William Arnold and other Pawtuxet residents petitioned the Massachusetts Bay General Court to be discharged from the jurisdiction of Massachusetts, and the General Court granted that petition on October 22, 1658. At long last, Pawtuxet was again under the jurisdiction of Providence Plantations.[39]

Roger Williams Versus William Harris

The feud between Roger Williams and William Harris extended over several decades and continued even after their respective deaths in 1683 and 1681. As observed above, the issue involved Williams's opposition to Harris's desires for more and more land. Williams repeatedly blamed Harris for claiming land that the Narragansetts had never given the English settlers. For his part, Harris relied on a Narragansett deed that was a forgery.[40]

On March 12, 1657, at a time when Williams was president of the Colony of Providence Plantations, he issued a warrant for the arrest of Harris, alleging that Harris had "published to all the Towns in the Colony dangerous writings containing his notorious defiance to the authority of his highness the Lord Protector [Oliver Cromwell] etc. and the high Court of Parliament of England, As allso his notorious attempts to draw all the English subjects of this Collony into a Traitorous renouncing of their allegiance and subjection and whereas the said William Harris now openly in the face of the Court declareth himself resolved to maintain the said writings with his blood . . . ."[41]

The writings of Harris of which Williams complained no longer exist. However, more than a decade later, Williams described them as follows:

> But in [about 1656 or 1657], he broke forth with an open flag of Defiance, under his hand writing to the fowre

> Townes of the Colony agnst all Civill Govrnmnt, professing that, it would shortly be, that people should crie out No Lords, No Masters, saying that the howse of Saul grew Weaker and Weaker (wch he all along in his booke interprets to be Civill Govrnors and Govrnments) and the howse of David (that is Wm Harris and his Saints [followers]) stronger and stronger. His book is yet extant and traiterously vomits out his filth agst all Govrnments and Governors (of what Rank soever) all Lords and Masters, agst all Lawes, and Law-making Assemblies, agst all Courts, all Punishments, prisons, Rates [taxes] and all Records, as Thievs, Robbers, Hypocrites, Satyrs, Owles (courts of Owles) Dragons and Devills, and Souldiers, Legions of Devills. What were the proceedings of this Colonie agst all these his horrid practices, our Records declare, he openly professing before the Country here at Newport, that he had nothing to loose but an old Coate for the Hangman, and he would maintain his writings with his bloud, and for ought [aught] we have heard the Colonie never discharged him from the charge Exhibited agnst him.[42]

In a 1672 letter, Williams wrote to John Throckmorton about Harris and Williams's charge of treason against him:

> When W. Harris, sent his writings or Books to the Main[land] and to [Aquidneck] Illand, against all Earthly Powers, Parliament's, Laws, Charters, Magistrates, Prisons, Punishments, Rates, yea and against all Kings, and Princes, under that Notion that the People should shortly cry out, no lords no masters; and had in open Court protested, (before the whole Colony assembled) that he would maintain

> his Writings with his Blood. Was it my Fury (as you call it) or was it not Honesty and Duty to God and the Colony and the Higher Powers then in England, to act faithfully and impartially in the place where I then stood Centinell?[43]

In *George Fox Digg'd out of his Burrowes* (1676), Williams also described Harris's book:

> Then he turns *Generallist*, and writes against all *Magistrates*, *Laws*, *Courts*, *Charters*, *Prisons*, *Rates*, &c. pretending himself and his Saints to be the *Higher Powers* . . . and in publick writings he stir'd up the People (most seditiously and desperately threatning to begin with the *Massachusets*) and to cry out *no Lords*, no *Masters*, as is yet to be seen in his Writing . . . .[44]

Harris thus appeared to be essentially an advocate of anarchy, expressing views similar to those of Williams's own brother Robert in 1654-54. Such ideologies flourished in mid-seventeenth-century England and New England and were often connected with religious enthusiasm, including millenarian expectations of the imminent return of Christ. Harris's writings would today likely be protected by the First Amendment to the U.S. Constitution. Moreover, they would be considered risible and not taken seriously. Under seventeenth-century law and circumstances, however, Williams felt it was his duty to initiate criminal proceedings against Harris, including a prosecution for treason. The Court of Commissioners referred the treason charge to John Clarke in England, leaving it to his discretion whether to pursue the matter in the Council of State. However, the ship carrying the evidence in the case was lost in transit over the Atlantic, and no further judicial proceeding occurred.[45]

Harris's incessant land lust convinced Williams that his opponent was ultimately motivated not by religious or philosophical concerns but rather by pure self-interest. In a 1669 letter to John Whipple, Jr., Williams wrote:

> [T]here was hardly even in N. Engl. W. Har. his Equall for mo[n]strous Evills in Land busines and Matters of Disorder as to Civill Govrmnt: of wch (that I know of) he hath given no more shew of Repentance then Saul did of his going to the witch when his putting of witches to Death and Consulting with them, was all one to him: and all for his owne Ends. Just so W. Har. damning all Civill Order and his fowle disorders in this Towne are all one to him (if it suited his Ends) with his Extream Crying out for civill Order now and orderly meetings and crying downe of Routs etc. I believe as to any love of Justice or Order it is all one to him or any Soule who maketh Selfe his God and End, and *Summum Bonum* his Chiefe Blessednes.[46]

Williams added that "It is now above 12 yeares since He forc't me to write a Defence of Civill Order and Govrnmnt in answere to his Defiance against it."[47] Both Harris's book and Williams's response have been lost.[48] In replying to Williams's book, Harris claimed that Williams had misrepresented his position.[49] Since we do not have either writing, it is difficult to ascertain at this time what Harris actually wrote in his book. However, in 1657, at a time when Williams was no longer a colony official, the Providence Plantations General Court of Commissioners stated that Harris maintained in his book and speeches that "it is his conscience [that he] ought not to yield subjection to any human order amongst men" and that he cited much scripture in support of this proposition.[50]

The Charter of the Colony of Rhode Island and Providence Plantations (1663)

The Restoration brought King Charles II to the English throne in 1660, thereby ending a long period of the rule of Parliament and the Cromwellian Protectorate. This development posed a dilemma for Providence Plantations. Its 1644 charter had been granted by Parliament during the Civil War. The English monarch traditionally had the legal right to grant charters (also called "patents") to colonies. Charles II had no legal obligation to recognize the 1644 Providence Plantations charter granted by his enemies.

John Clarke was still the agent for Providence Plantations in England. He had been unable to obtain any further definition of the colony's legal status during the years since the Coddington Commission had been revoked and the first charter tentatively reaffirmed in 1652. Now it was imperative for him to obtain a charter granted by Charles II. Fortunately, Charles II himself had some sympathy for toleration of dissenting religious opinions, though his new Parliament was dominated by Anglicans who opposed such toleration.

Meanwhile, a familiar scenario had reemerged. Massachusetts, Plymouth, and Connecticut all had designs on Providence Plantations territory. A group of settlers purchased land within the boundaries of Providence Plantations and then wished to submit themselves and their lands to the jurisdiction of Connecticut.[51] In fact, Connecticut claimed for itself a huge amount of territory on the mainland of Providence Plantations (see Map 6).

After receiving a new commission from Providence Plantations, Clarke submitted two successive petitions to Charles II. A major complication arose with the appearance of John Winthrop Jr. and his demands on behalf of the Colony of Connecticut. After many convoluted historical developments, Clarke finally obtained a new charter from Charles in July of 1663. Some of the language in this charter was based on language in Clarke's petitions.[52]

This second charter was more the result of the work of John Clarke than the work of Roger Williams, who had returned from England to Providence in 1654. It is, of course, true that Clarke had adopted and internalized the principles of liberty of conscience and separation of church and state that Williams had advocated for decades. The second charter reflected these principles as well as some language that was not quite consistent with the pure doctrines expressed by Williams (doctrines that had been reflected, largely by omission, in the brief language of the 1644 charter).[53]

The name of the new colony was "the GOVERNOUR and Company of the *English Colony* of RHODE-ISLAND, and *Providence Plantations*, in *New-England* in *America*" (hereafter referred to as "Rhode Island").[54]

John Clarke's second petition to King Charles II had represented that the freemen of Providence Plantations "have it much on their hearts (if they may be permitted) to hold forth a lively experiment, that a flourishing civill State may stand, yea, and best be maintained, and that among English spirits, with a full liberty in religious concernments . . . ."[55] That statement was quoted, almost verbatim, in the second charter,[56] which thereafter expressly provided

> That no Person within the said *Colony*, at any Time hereafter, shall be any ways Molested, Punished, Disquieted, or called in Question for any Differences in Opinion, in matters of Religion, And do not Actually disturb the Civil Peace of Our said *Colony*. But that all and Every Person and Persons, may from time to time, and at all times hereafter, Freely, and Fully, Have and Enjoy, His and Their own Judgments, and Conscience in matters of Religious Concernments Throughout the Tract of Land hereafter Mentioned; They Behaving themselves Peaceably and Quietly, *And not Using This Liberty to Licentiousness and Prophaness*; nor to the Civil Injury, or outward Disturbance of others. Any *Law, Statute, or Clause, therein contained, or to be Contained; Any Usage or Custome of this Realm to the Contrary thereof in any wise notwithstanding*.[57]

This provision was breathtaking in its scope and unique in English (and doubtless European) history up to that date. It went hand in hand with provisions exempting Rhode Island residents from adherence to the Church of England and allowing them to formulate their own engagement forms without the necessity of a religious oath.[58]

The second charter further provided that the government of Rhode Island would henceforth consist of a governor and ten assistants together with an assembly of persons elected by the freemen of the colony. It named Benedict Arnold (the ancestor of the infamous Benedict Arnold of the Revolutionary War era) as the first governor, William Brenton as the first deputy governor, and ten others, including Roger Williams, as the first assistants. These offices would be subject to election in May of 1664.[59] At the May 4, 1664 meeting of the General Assembly, Benedict Arnold was again chosen governor, William Brenton deputy governor, and Roger Williams one of the ten assistants.[60]

The second charter authorized the General Assembly to establish courts of law.[61] Although it also attempted to define the boundaries of the colony,[62] boundary issues with other colonies were not definitively resolved, and disputes over boundaries continued.

Laws and orders of the new colony were to conform to the laws of England to the extent possible, considering the nature and constitution of the people of Rhode Island. It was understood that the provisions regarding liberty of conscience were unique in this regard.[63]

On March 1, 1664, the Rhode Island General Assembly met at Newport and began formulating detailed legislation to implement the new charter, including the organization of the courts of law. The referendum procedure by which acts of the General Assembly could be repealed by the town meetings was declared inconsistent with the new charter and thus null and void.[64]

Williams's Meditation on Taxation

The General Assembly of the new Rhode Island colonial government, in October of 1664, ordered that "a rate [tax] of sixe hundred pounds be levied on the Collony, and every towne and place of the Collony to beare an equall proportion of the aforesayd rates" to pay for the charges and disbursements of John Clarke as the Colony's agent in London and other charges that the Colony justly owed to other persons. The Town of Warwick was assessed eighty pounds for these expenses.[65]

Warwick objected, for a number of reasons, to paying this tax. Their arguments ranged over many particular issues, some of marginal relevance to the tax, that need not be detailed here.[66]

Roger Williams had been an assistant at the time of the October 1664 assessment. By January of 1666 he was no longer a Colony official. However, he was asked, or took it upon himself, to write to the Town of Warwick about the assessment, and he wrote an extended letter to Warwick at that time.[67] Because Williams's carefully written letter exemplifies some important themes in his conception of the common good, it is worth consideration.

Williams said his discourse would concern two major points: (1) the fairness and equity of the matter, and (2) the damage and hazard if not performed.[68]

With regard to fairness and equity, he argued first that common honesty and common justice in common dealings between persons requires that each person should receive what is owed

to that individual. He emphasized Clarke's "great and so long paines, Faythfullnes and Diligence, for wch he ought in Common Justice, to be faythfully satisfied and honbly [honorably] rewarded . . . ." He contrasted the ingratitude of the Warwick residents with the practice of the Native Americans, who furnished and defrayed the expenses of their public messengers; "they gratifie him with Rewards, and if he prove lame and sick and not able to returne, they visit him and bring him home upon their shoulders (and that many Scores of miles) with all Care and Tendernes."[69]

Williams said he knew from personal observation while in England that Clarke lived frugally. Moreover, Clarke had received little in the way of financial support from the colony during his many years of his representation of it before the English government. The Rhode Island General Assembly had carefully audited Clarke's accounts and what he had borrowed, by way of a mortgage on his house and land, in order to finance his diplomatic mission. After careful examination and consideration, "they saw cause to agree upon a Very moderate and Equall Summe to be raised throughout the Colony, to be discharged unto him."[70]

Addressing the petty objections of many to the tax, Williams observed that "it is Easy to find Cloaks and Coulours for Denyalls or Delais to any Busines We have no mind to." He summarized some of the reactions to the tax that he had heard among Providence residents that winter:

> Some say they are Sory and ashamed of the Delay and promise to finish it with Speede. Some few say they have done it. Some say they like not Some Words in the Charter. Some say they will pay if all doe. Some are agst all Govrmt and Charters and [municipal] Corporacions. Some are not so and Yet cry out agst Thieves and Robbers who take any Thing from them agst their Wills. Some say they will see what became of their former paymts before they will

> part with any more. . . . And some say other things, but none say [anything] (in my Judgmt) which answers the witnes of Common Honesty. For the whole Summ and Scope of his Maties [Majesty's] Royal graunt and charter to us is to bestow upon us 2 inestimable jewels.[71]

The first great benefit of the charter was, to Williams's mind, that it brought peace "among our selves and among all the Kings subjects and Friends in this Countrey and wheresoever." The second jewel "is Libertie: the first[,] of our Spirits [freedom of conscience,] wch neither Old nor N. Engl. knowes the like, nor no part of the World a greater." Furthermore, no punishment or restraint was to be exercised on any persons "but by knowne Lawes and Agreemts of our owne making." Taxation was not to be assessed without the consent of elected deputies in the General Assembly. Laws were to be made by their own elected representatives, and the laws of England were not required to be followed when not suitable to their wilderness condition.[72]

Williams buttressed his arguments about fairness and equity by appealing to common gratitude and to Christian principles. Failure to pay Clarke what was owned him would violate both considerations.[73]

Williams next addressed the hazard of not performing their obligations. This would entail one of three outcomes: (1) "Mr Clarke must patiently lye in the pit, and langwish and perish"; (2) "Some Voluntiers must patiently put under their shoulders and beare the Common burthen wch for my Selfe I am ready to doe although I part with my Cloths from my back"; or (3) "the Rate must be taken by distraint in the Kings name and Authoritie [through legal proceedings], and this we know will be more grievous and more chargeable: Yet can not be avoided if we resolve not to turne Rebells nor loose Vagrants to be catchd up by other Colonies and Govrnmts . . . ."[74]

If, Williams asked, we neglect this business, what will become of our reputation? The king, the king's commissioners (who had traveled to New England to investigate and mediate disputes), and the neighboring colonies would consider Rhode Island contemptible. Reputation should be more precious to Rhode Islanders than thousands of pounds of gold or silver, and "how much infinitly more precious the name of the most holy and most High, and his holy Truth of Soule Liberty among us?" Failure to pay Clarke would have the result that no one would ever be willing to perform diplomatic services for Rhode Island again. "Such peace, such Security, such Liberties for Soule and Body as were never enjoyed by any English men, nor any in the World that I have heard of?" All would be lost if the result of our ingratitude would be "to clap on our Necks those iron Yokes wch so many thouhsands and millions of mens necks are under in all Nations of Mankind."[75]

Roger Williams is justly famous for his principles of freedom of conscience and other liberties. It is important to remember, however, that he understood that such freedom was only possible when people contributed their due share to the common good.

Warwick did not voluntarily pay the assessment. In 1670, the attorney general for the Colony, in an effort to collect the tax, imprisoned the Warwick town clerk and two members of its council. After further political developments, Warwick began paying the tax in 1671.[76]

The Connecticut Conundrum

The disputes over the boundary between Connecticut and Rhode Island were not resolved by the attempts of the 1663 Rhode Island charter to define that border. Although the details of this dispute are beyond the scope of this book, Roger Williams's input is

interesting. On June 22, 1670, he wrote a long letter to Major John Mason, a longtime Connecticut leader, with a copy to Plymouth Governor Thomas Prence. Williams saw the conflict between Connecticut and Rhode Island as more than a mere boundary dispute: "I see Your Selves (with others) embarqued in a Resolution, to invade and despoil Your poor Countrimen (in a Wildernes,) and your ancient Friends, of our temporal and Soul Liberties."[77] Connecticut did not value freedom of conscience, and its acquisition of Rhode Island territory would result in the deprivation of its inhabitants of liberty of conscience. Williams's letter recited the long history of his banishment from Massachusetts, his settlement in Providence, the successive charters obtained on behalf of Providence Plantations and Rhode Island, and other historical matters bearing on the western boundary of the colony. "Beside, Sir, the matter with us is not about these Childrens toys of Land, Meadows, Cattell, Govrmnt etc. But here all over this Colonie, a great numb[er] of Weake and distresseed Soules and Consciences Scattered, flying hither from old and N. Engl." The colony had become "a shelter for the poore and persecuted according to their Severall perswasions."[78]

Williams emphasized that before parting with the "Jewell" of liberty of conscience, the Rhode Island settlers "must part with [their] Lands and Lives . . . ." Although some minor adjustments could be made in the boundaries, they would not give up this principle without a fight. "Your Selvs praetend Libertie of Conscience, but alas, it is but selfe (the great God Selfe) only [to] Your Selves." In other words, the Connecticut settlers were for religious freedom as long as it benefited themselves, but they would not recognize it for those with whom they had religious disagreements.[79]

Williams repeated his frequent offer to discuss the following issues by oral disputation, writing, or printing: (1) "that forc't

Worshpp stincks in Gods Nostrills"; (2) "That it denies Christ Jesus yet to be come, and makes the Church yet National, figurative and Ceremoniall"; and (3) "there is no other prudent Christian Way of preserving peace in the World but by permission of differing Consciences."[80]

Williams emphasized the paramount legal significance of the king's 1663 charter for Rhode Island and its guarantees of freedom of conscience. He said he hoped to avoid an appeal to the king but understood that such a recourse might be necessary.[81]

Williams wrote that he had a proposed civil, not religious, remedy to the boundary dispute, but that he would not reveal it at that time (see the excerpt from this part of the letter in the epigraph to the present chapter). But if Connecticut did not like the proposed compromise, "I Can but humbly mourne and say with the Prophet that wch must *Perish* must Perish, and . . . if I Perish I Perish. It is but a shadow vanished, a bubble broke, a dreame finisht. Eternitie will pay for all."[82]

The terms of Williams's proposed compromise are unknown.[83] In any event, Williams was unable to resolve the controversy with Connecticut, and that colony continued its attempts to annex a significant portion of Rhode Island until 1727.[84] Williams's concern that Connecticut would subvert liberty of conscience in Rhode Island is reflected in a 1672 letter he wrote to the Town of Providence, in which he observed that it was "being constantly reported that Conecticut is upon the gaining of his [Majesty's] Consent to enslave us to their parish worship . . . ."[85] From the time of his arrival in New England in 1631 to the date of his death in 1683, Williams was confronted by the never-ending attempts of other colonies to impose their theocratic systems upon himself or upon his beloved refuge for persecuted consciences in what became Rhode Island.

The Quakers

Seventeenth-century Quakers belonged to a religious movement that emphasized the "inner spirit" over biblical exegesis and that exhibited behavior the Puritans considered anarchic. They were very aggressive and confrontational in their tactics, often disrupting Puritan church services and even parading naked in the streets. In the late seventeenth century, an organization known as the Society of Friends was gradually able to moderate the more socially unacceptable behavior of the Quakers, and these religionists became, over a period of time, the quiet and pacifistic religious denomination we know today.[86]

Quakers began arriving in New England in 1656. Massachusetts Bay considered them heretics and passed numerous laws against them, including whippings, fines, imprisonments, mutilations, and banishments. When those laws, which were severely enforced, failed to stem the immigration tide, Massachusetts provided that Quakers who returned after being banished would be put to death. As a result, four Quakers, including one woman, were executed between 1659 and 1661.[87]

Popular discontent with the executions along with anticipated corrective action by the restored King Charles II resulted in Massachusetts passing, on May 22, 1661, legislation that became known as the Vagabond Act or the Cart and Whip Act. Under this law, all those found to be "wandering" Quakers (defined to mean virtually all Quakers) were to be

> stripped naked from the middle upwards, & tied to a carts tayle, & whipped through the towne, & from thence immediately conveyed to the constable of the next towne towards the borders of our jurisdiction . . . & so from connstable to connstable till they be conveyed through any the outward most townes of our jurisdiction.[88]

Repeated violations were to result in banishment on pain of death.[89] Although Charles II initially took action on behalf of the persecuted Quakers, he later exempted them from toleration in Massachusetts, and the persecutions continued. As late as 1677, Margaret Brewster was whipped for entering a Puritan church in sackcloth.[90]

Quakers entering Massachusetts often came from Rhode Island, where they lived without being molested for their religious opinions. This enraged the other colonies, proving once again to their collective satisfaction that Rhode Island was a haven for heretics and anarchists. In a letter dated September 12, 1657, the United Colonies demanded that Rhode Island (then called Providence Plantations) remove the Quakers within its colony and prohibit others from entering. This letter included a not-so-hidden threat that the United Colonies would "consider what further provision God may call us to make to prevent the aforesaid mischiefe . . . ."[91]

The president and assistants (not including Roger Williams) of Providence Plantations responded in a later dated October 13, 1657. These officials observed that the colony customarily returned fugitives from justice to other colonies in which they were being prosecuted for crimes. "And as concerning these quakers (so called), which are now among us, we have no law among us, whereby to punish any for only declaring by words, &c, their mindes and understandings concerning the things and ways of God, as to salvation and an eternal condition." Nevertheless, the president and assistants said that the General Assembly meeting in March of the following year would consider the matter.[92]

The Providence Plantations General Assembly further responded to the United Colonies in a March 13, 1658 letter. The General Assembly noted that freedom of conscience was the principal ground of their 1644 charter, "which freedom we still prize

as the greatest hapines that men can posess in this world." The letter stated that Quakers in the colony would be expected to conform to all common duties, including military training. If, however, they refused, the Providence Plantations government would so notify its agent in England in order to obtain the advice and order of the English government (then under the Lord Protector, Oliver Cromwell) as to how to proceed so that there would be no "infringement of that chiefe principle in our charter concerninge freedom of consciences," understanding that Cromwell seemed willing to tolerate Quakers in England.[93]

Although Roger Williams was not a colony official at the times of the foregoing letters, he was a commissioner for Providence at the November 2, 1658 General Court of Commissioners of Providence Plantations.[94] In a November 5, 1658 letter to their agent in England, John Clarke, the commissioners noted that the colonies around them were offended by the freedom of conscience extended to Quakers in Providence Plantations. They said they had found no just cause to charge the Quakers with breach of the civil peace. The commissioners enclosed the letter of the United Colonies and their response, noting that the United Colonies "seeme seacretly to threaten us, by cuttinge us off from all commerce and trade with them, and thereby to disable us of any comfortable subsistence . . . ." Although the other colonies made an inordinate profit in their commerce with Providence Plantations, "yett for the safeguard of their own religion [they] may seem to neglect themselves in that respect; for what will men doe for their God." The commissioners said they were advising Clarke of these developments so that he would be prepared, if necessary, "to plead our case [before the English government] in such sorte as wee may not be compelled to exercise any civill power over men's consciences . . . ."[95]

The extent to which Williams may have been involved in preparing the November 5, 1658 letter to Clarke is unknown (it is not

exactly written in his style), but it is striking how much, over the years, Williams's principles of liberty of conscience had become the prevailing ideology in the colony. The Antinomians who had first settled Aquidneck Island had started with a theocracy. Now, the Providence Plantations government was dominated by people who had adopted Williams's view that freedom of conscience was the colony's most precious legacy.

In 1659, Humphrey Norton, John Rous, and other Quakers published *New-England's Ensigne* . . . .[96] Among other things, they discussed their experiences when brought before Connecticut Governor John Winthrop Jr. and other Connecticut political and religious officials. They called Governor Winthrop "a moderate man" and wrote that among the New England colonies (not including Providence Plantations) they found "not the like moderation as in this, most of the Magistrates being more noble, then those of the other Colonies . . . ." They intensely disliked, however, "their Priest called *Samuel Stone*," who interrogated them with what they regarded as ignorant questions.[97]

In February of 1660, Roger Williams wrote to John Winthrop Jr. that "I rejoice Sir that Your name (amongst the N. Engl. Magistrates Printed to the Parliamt and Army by H. Nort. Rous etc.) is not blurd but rather honourd for Your Prudent and Moderate hand in these late (Quakers) Trialls amongst us."[98]

As always, Williams favored liberty of conscience for the Quakers. This did not, however, mean that he agreed with their theology. He was, in fact, quite opposed to their theology, and he engaged in a four-day oral debate with leading Quakers in 1672 on theological issues. In 1676, he published *George Fox Digg'd out of his Burrowes*, which purported to be an account of that debate supplemented by additional considerations he had not been able to mention in the debate itself. Although George Fox was not present at the debate, Fox authored an extended response entitled *A New-England-Fire-Brand Quenched*, apparently first published in

1678. Additional writings related to this debate were also published.[99] Williams was going to publish an apparently extensive reply to *A New-England-Fire-Brand Quenched*, but he was "advised to let it sleep, and for beare publicke Contests with Protestants . . . ."[100] Considering that Williams and Fox had already collectively published more than 750 pages on this frequently arcane disputation, it is a mercy to the twenty-first-century reader that Williams did not publish additional hundreds of pages on it.

These theological issues are beyond the scope of the present book. Suffice it to say that the debates between Williams and the Quakers were conducted with the kind of personal vituperation on both sides that was characteristic of seventeenth-century theological disputation. However, Williams never called for governmental suppression of Quaker religious doctrine. He hoped to persuade others not to adopt it by the force of argument, not by physical force. In this, he differed greatly from the opponents of the Quakers in the other colonies.

King Philip's War (1675-76)

King Philip or Metacom was a son of the Pokanoket sachem Ousamaquin. He became sachem of the Pokanoket in 1662 upon the death of his father in 1661 and the death of his older brother Wamsutta (Alexander) in 1662. Philip thought the English might be responsible for Wamsutta's death. Additionally, he witnessed the English acquiring more and more land previously belonging to Native Americans. Philip focused on building alliances with other Native American groups. In 1775, the Pokanokets began what became known as King Philip's War against the English.[101]

For decades before King Philip's War, Roger Williams had attempted to maintain peace between the English colonists and the Native Americans. He often opposed the aggressive actions of

Massachusetts and its allies against some of the Native American tribes. One of the reasons Williams was so opposed to the land imperialism of William Harris was that Harris's land claims against the Natives constituted "one great occasion of their late burning and slaughtering of us . . . ."[102]

King Philip's War lasted during 1675 and 1676 in southern New England. In late March of 1676, Narragansetts attacked and burned most of Providence, including Roger Williams's house. On March 31, 1676, Massachusetts finally did the unthinkable by passing the following act:

> Whereas Mr Roger Williams stands at present under a sentence of Restraint from coming into this Colony yet considering how readyly & freely at all tymes he hath served the English Interest in this time of warre with the Indians & manifested his particular respects to the Authority of this colony in several services desired of him, & further understanding, how by the last assault of the Indians upon Providence his House is burned & himself in his old age reduced to an uncomfortable & disabled state Out of Compassion to him in this condition The Council doe Order and Declare that if the sayd Mr Williams shall see cause & desire it he shall have liberty to repayre into any of our Towne for his security & comfortable abode during these Public Troubles, He behaving himself peaceably & inoffensively & **not disseminating & venting any of his different opinions in matters of Religion to the dissatisfaction of any**.[103]

Williams did not take advantage of this highly conditional offer. He preferred to remain where, notwithstanding all the turmoil, his mind, tongue, and pen enjoyed a constitutional right to be free. He spent his final years in Rhode Island.

King Philip's War resulted in the deaths of hundreds of English colonists and thousands of Native Americans. The Native American warriors destroyed many English towns. By the end of the war, however, the Native Americans were totally defeated. Although the New England settlers had suffered major losses, the Native American tribes experienced complete devastation.

Conversion Revisited

In recently deciphered shorthand notes, written sometime during the last few years of his life, Roger Williams commented once again on the subject of Native American conversion. In this brief discussion he did not explicitly mention his earlier millenarian concerns that mass conversions could not occur until after certain events prophesied in the book of Revelation.[104] Rather, he focused on the genuineness of the conversion experience. Such conversion could not be genuine if it was a "conversion" only to externals, as in the French and Spanish conversions. "But if their leaders be prepared in error, how can their duties be considered true or according to the Gospel?"[105] Although Williams did not mention here (at least in the successfully translated text) the prophecies of Revelation, perhaps he was implicitly applying them in an indirect or metaphorical way. His earlier teaching was, in part, that the old system ("Antichrist" in the form of, for example, the Roman Catholic, Anglican, Presbyterian, and Congregationalist religious establishments) had to be destroyed before conversions could occur. He had earlier based such views on the specific prophecies of Revelation (as he interpreted them). But perhaps here he was saying the same thing without invoking the device of millenarian scriptural interpretation: only when conversions involved repentance as part of a "born-again" experience were they real. The

dogmas and practices of the "Antichristian" religious establishments (whether ecclesiastical, Presbyterian, Congregationalist, or other) had to be discarded before such true conversions could occur. However this may be, Williams's final views regarding conversion of Native Americans are difficult to ascertain. Since they do not involve his political philosophy as such, we need not inquire further about them in the present book.

Roger Williams's Final Summation of His Political Philosophy

Roger Williams summarized his political philosophy in a letter to the Town of Providence written about a year before his death.[106]

Citing chapter 13 of Romans, a favorite Puritan text, Williams stated that government and order is the ordinance of the "most High . . . for the peace and Good of Mankind." By this, Williams did not mean that God directly ordained any particular government (excepting, as always, Williams's typological view that God had directly installed Old Testament theocracy). Rather, government was required by natural law, which Williams understood to have been created ultimately by God. Being a requirement of nature, government could take different forms created by different human beings.

Williams wrote that every person in the world (including every person in the English king's dominions) submits to government, except robbers, pirates, and rebels. Even robbers, pirates, and rebels cannot hold together "but by Some Law among themselves and Govrment."

"One of these 2 great Lawes in the World must prevaile, either that of Judges and Justices of peace, in Courts of peace: Or the Law of Arms, the Sword and Bloud."

"Till matters come to a Setled Govrment, No man is ordinarily sure of Howse, Goods Lands Catle Wife Children or Life."

"Hence is that Ancient Maxime: It is better to live under a Tirant in peace, then Under the Sword, or Where Every man is a Tirant."

Williams's foregoing statements are reminiscent of Thomas Hobbes's *Leviathan* (a work with which Williams would have disagreed on other points), but there is no evidence that Williams ever read anything that Hobbes (1588-1679) had written. John Locke's great works were not published until a few years after Williams's death.

Williams's letter stated that the Rhode Island charter "Excells all in N. Engl. or the World, as to the Souls of Men." In other words, the charter recognized complete freedom of conscience and separation of church and state—an extremely unusual constitutional arrangement in the seventeenth century.

Williams also wrote that no government is maintained without taxes. He observed that under the Rhode Island charter every man who had a vote in town or colony took part in determining the amount of taxes, either directly or through his deputies. Williams's statement implicitly recognized that not all adult male Rhode Island residents (not to mention adult female residents) had the right to vote. Moreover, everyone who is assessed with a tax has the duty to pay it, as it is "the dutie of every man to maintayne Encowrage and strengthen the hand of Authoritie."

Williams's political philosophy was similar to but not identical with that set forth in the later American Declaration of Independence and the U.S. Constitution (as amended). His greatest contribution to American political thought was his promotion of "soul freedom" in the form of full liberty of conscience and complete separation of church and state.

Roger Williams died sometime during the early months of 1683. Some of what he said and wrote during his lifetime belongs to the seventeenth century. But much of his historical and philosophical record speaks to us across the centuries. The remaining two chapters of this book discuss Williams's influence and relevance from the eighteenth to the twenty-first centuries.

CHAPTER 9

Roger Williams and the Founding of the United States of America

[W]hen they have opened a gap in the hedge or wall of Separation between the Garden of the Church and the Wildernes of the world, God hath ever broke down the wall it selfe, removed the Candlestick, &c. and made his Garden a Wildernesse, as at this day.

Roger Williams, 1644[1]

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof . . . .

First Amendment to the Constitution of the United States, ratified December 15, 1791

Believing with you that religion is a matter which lies solely between Man & his God, that he owes account to none other for his faith or his worship, that the legitimate powers of government reach actions only, & not opinions, I contemplate with sovereign reverence that act of the whole American people which declared that their legislature should "make no law respecting an establishment of religion, or prohibiting the free exercise thereof," thus building a wall of separation between Church & State.

Letter of President Thomas Jefferson to Messrs. Nehemiah Dodge and Others, a Committee of the

Danbury Baptist Association, in the State of Connecticut, January 1, 1802[2]

[T]here remains [in some parts of the country] a strong bias towards the old error, that without some sort of alliance or coalition between Govt. & Religion neither can be duly supported. Such indeed is the tendency to such a coalition, and such its corrupting influence on both parties, that the danger cannot be too carefully guarded agst. And in a Govt. of opinion, like ours, the only effectual guard must be found in the soundness and stability of the general opinion on the subject. Every new & successful example therefore of a perfect separation between ecclesiastical and civil matters is of importance. And I have no doubt that every new example, will succeed, as every past one has done, in showing that religion & Govt. will both exist in greater purity, the less they are mixed together. . . . Religion flourishes in greater purity, without than with the aid of Govt.

Letter of James Madison to Edward Livingston, July 10, 1822[3]

The question of what influence, if any, Roger Williams had on the generation that fought the American Revolution and established the Constitution and Bill of Rights is interesting. On the surface, no direct influence is evident. For example, no writing of Roger Williams has been found in the voluminous libraries of Thomas Jefferson. It is accordingly a commonplace among certain historians that Williams had no direct influence on American leaders during the late eighteenth and early nineteenth centuries.[4] However, one of Jefferson's libraries, as well as the libraries of John Adams, George Washington, Elbridge Gerry, and Roger

Sherman, did contain the 1790 edition of John Winthrop's Journal, and that work included many discussions of Roger Williams and his historical encounter with Massachusetts Bay from which these eminent Founders could have obtained a very clear understanding of Williams's positions on freedom of conscience and separation of church and state.[5] And Benjamin Franklin's library actually contained two of Roger Williams's works: *A Key into the Language of America* and *Experiments of Spiritual Life*.[6] Moreover, as discussed below, a further examination of historical sources, including developments in the political lives of Franklin, Adams, Jefferson, and Madison, reveals some remarkable facts that evidence the continuing influence of Roger Williams during the late eighteenth century and beyond.

Massachusetts: The Sequel

The cantankerous but learned John Adams, later second president of the United States (1797-1801), was one of the delegates from Massachusetts to the First Continental Congress, held in Philadelphia in September and October of 1774. The purpose of this Congress was to devise a strategy to counteract the Coercive Acts that the British Parliament had imposed on Boston in reaction to the Boston Tea Party. Representatives from all the American colonies except Georgia attended, including George Washington, Patrick Henry, Richard Henry Lee, Sam Adams, and former Rhode Island Governor Samuel Ward. Also among the fifty-six delegates was Stephen Hopkins from Rhode Island.

Stephen Hopkins (1707-85) had been, by the time of the First Continental Congress, a Rhode Island governor, jurist, historian, and famous revolutionary pamphleteer.[7] One of his ancestors, Thomas Hopkins, evidently arrived in Providence in 1636 with Roger Williams and the other first settlers.[8] Stephen Hopkins attended the Albany Congress with Benjamin Franklin and others

in 1754, and he and Franklin were very good friends.[9] Hopkins's unfinished history of Rhode Island, serialized in 1762 and 1765 in the *Providence Gazette*, is largely an account of Roger Williams's principles and historical actions.[10] In that discussion Hopkins wrote that "Roger Williams justly claims the honor of having been the first legislator in the world; in its latter ages, that fully and effectually provided for and established a free, full, and absolute liberty of conscience."[11]

John Adams, in his *Autobiography*, recalled an incident involving Stephen Hopkins that occurred during the First Continental Congress:

> Governor Hopkins and Governor Ward of Rhode Island came to our Lodgings, and said to Us, that President [James] Manning of Rhode Island Colledge and Mr. Bachus [Isaac Backus] of Massachusetts were in Town, and had conversed with some Gentlemen in Philadelphia who wished to communicate to Us a little Business, and wished We would meet them at Six in the Evening at Carpenters Hall.[12]

In addition to Hopkins, Adams mentioned the renowned Baptist preacher Isaac Backus (1724-1806). Three years later, Backus was to publish the first volume of a work entitled *A History of New-England, with particular Reference to the Denomination of Christians Called Baptists.* Much of that volume discussed in depth how Roger Williams and John Clarke were persecuted by Massachusetts Bay and how Williams and Clarke established religious liberty and separation of church and state in Providence and Rhode Island.[13] Although Backus did not at that time have a copy of Williams's *Bloudy Tenent*, he did have a copy of John Cotton's response, *The Bloudy Tenent Washed* (which contained extensive quotations from *The Bloudy Tenent*) as well as Williams's reply, *The Bloody Tenent Yet*

More Bloody.[14] Backus's *History of New-England* contained a lengthy discussion of the debate between Williams and Cotton in these writings, including many quotations from them.[15]

Backus, a resident of Massachusetts, made, according to his nineteenth-century biographer, substantial "efforts . . . for the separation of church and state, according to the principles first applied by Roger Williams."[16] In 1773 Backus had published *An Appeal to the Public for Religious Liberty*, which objected to the continuing theocratic practices of his colony. Although Massachusetts was by that time no longer banishing or executing dissenters for heresy, it nevertheless had a law whereby the inhabitants of each community were required to select, by majority vote, the person who was to be the religious minister of that community and who was to be supported by government taxation. Normally, this would be a Congregational minister, the denomination that had constituted the established church in Massachusetts since 1630. Although Baptists and other religious dissenters could seek an exemption from having their taxes paid to Congregational ministers, onerous burdens were imposed on applications for exemptions. In practice, the exemption applications were frequently denied, and those refusing to pay the tax were imprisoned and their property seized to pay the religious taxes. Massachusetts law also required any minister to have either an academic degree or a testimonial in his favor from a majority of the ministers in the county wherein the parish was located—an impossibility for many Baptist ministers. Backus strongly opposed what he called "this blending of church and state together" and quoted Roger Williams in making his arguments for separation of church and state.[17]

In 1774, a Baptist committee sent Backus to the First Continental Congress in order to lobby the delegates for complete religious freedom and separation of church and state.[18] Upon arrival, Backus met with an association of Baptist churches

from several adjacent colonies, which elected a large committee to assist in the affair. A meeting was scheduled for the evening of October 14, 1774, with the First Continental Congress delegates from Massachusetts, along with some other delegates and individuals.[19] It is this meeting that Governor Hopkins invited John Adams to attend.

John Adams wrote in his *Autobiography* that Governor Hopkins did not explain why he wanted Adams to attend the meeting. When Adams and other delegates to the First Continental Congress arrived at the meeting, Adams found, "to my great Surprize," the Hall "almost full of people, and a great Number of Quakers seated at the long Table . . . ." Adams described what happened next:

> We were invited to Seats among them: and informed that they had received Complaints from some Anabaptists [*sic*: should be "Baptists"] and some Friends [Quakers] in Massachusetts against certain Laws of that Province, restrictive of the Liberty of Conscience: and some Instances were mentioned in the General Court and in the Courts of Justice, in which Friends and Baptists had been grievously oppressed. I know not how my Colleagues felt, but I own I was greatly surprised and somewhat indignant, being, like my friend [Samuel] Chase [a Maryland delegate who was later a U.S. Supreme Court associate justice], of a temper naturally quick and warm, at seeing our State and her Delegates thus summoned before a self created Trybunal, which was neither legal nor Constitutional.[20]

It is, of course, deeply ironic that Adams, as one of the leaders of the First Continental Congress, was himself then engaged in activity that was neither legal nor constitutional from the perspective of the British government.

Adams's *Autobiography* continues with an account of a speech by Israel Pemberton at this meeting:

> Israel Pemberton, a Quaker of large Property and more intrigue began to speak and said that Congress were here, endeavouring to form a Union of the Colonies; but there were difficulties in the Way, and none of more importance than Liberty of Conscience. The Laws of New England and particularly of Massachusetts, were inconsistent with it, for they not only compelled Men to pay to the Building of Churches and Support of Ministers but to go to some known Religious Assembly on first days &c. and that he and his friends were desirous of engaging Us, to assure them that our State would repeal all those Laws, and place things as they were in Pennsylvania.[21]

Adams recalled the suspicion that "instantly arose in my Mind, which I have ever believed to have been well founded," that Pemberton was attempting "to break up the Congress, or at least to withdraw the Quakers and the Governing Part of Pensilvania from Us . . . ." Adams responded to Pemberton by saying that "[w]e had no Authority to bind our Constituents to any such Proposals: that the laws of Massachusetts, were the most mild and equitable Establishment of Religion that was known in the World, if indeed they could be called an establishment." He added that the consciences of the people of Massachusetts "dictated to them that it was their duty to support those Laws and therefore the very Liberty of Conscience which Mr. Pemberton invoked, would demand indulgence for the tender Consciences of the People of Massachusetts, and allow them to preserve their laws." Adams concluded his speech with what became a famous, or infamous, finale: "I knew they might as well turn the heavenly Bodies out of their annual And diurnal Courses as the People of

Massachusetts at the present day from their Meeting House and Sunday Laws." Pemberton responded, "Oh! Sir pray dont urge Liberty of Conscience in favor of such Laws!"[22]

John Adams's prejudice against the Quakers and his illogical arguments in favor of Massachusetts theocracy shine through clearly in these excerpts from his *Autobiography*, which was written decades later in 1804-05.[23] However, Adams had great respect for Stephen Hopkins, who was himself a Quaker, and remained on good terms with him.[24]

In his contemporaneous diary entry for October 14, 1774, Adams summarized the evening meeting as follows:

> In the evening we were invited to an interview, at Carpenters' Hall, with the Quakers and Anabaptists [*sic*]. Mr. Backus is come here from Middleborough [Massachusetts] with a design to apply to the Congress for a redress of grievances of the anti-pedobaptists [Baptists] in our Province. The cases from Chelmsford, the case of Mr. White of Haverhill, the case of Ashfield and Warwick were mentioned by Mr. Backus. Old Israel Pemberton was quite rude, and his rudeness was resented; but the conference, which held till eleven o'clock, I hope will produce good.[25]

Isaac Backus's account of the October 14, 1774 meeting focused on the presentation of grievances by the Baptists:

> It was opened by [Rhode Island College President James Manning, a Baptist,] reading a brief memorial of our chief grievances in the Massachusetts, on religious accounts, which [the Massachusetts] Delegates endeavored to answer; first by denying that we had any cause for such complaints, and then by attempting to cast all the blame

> thereof upon the [Massachusetts] executive department, and asserting that our Legislature were entirely clear of it; but plain facts, especially in the Ashfield affair, confuted both of these pleas; and the conference was closed with a promise from said Delegates of the exertion of their influence in our favor.[26]

In another writing, Backus provided further details of this meeting, including the roles played by Massachusetts delegates John Adams, Sam Adams, Robert Treat Paine, and Thomas Cushing:

> The delegates from Massachusetts used all their arts to represent that we complained without reason. John Adams made a long speech and Samuel Adams another; both of whom said, "There is, indeed, an ecclesiastical establishment in our province; but a very slender one, hardly to be called an establishment." When they would permit, we brought up facts, which they tried to explain away, but could not. Then they shifted their plea, and asserted that our General Court was clear of blame, and had always been ready to hear our complaints, and to grant all reasonable help, whatever might have been done by executive officers; and S. Adams and R. T. Paine spent near an hour more on this plea. When they stopped, I told them I was very sorry to have any accusations to bring against the government which I belonged to, and which I would gladly serve to the utmost of my power, but I must say that facts proved the contrary to their plea; and gave a short account of our Legislature's treatment of Ashfield, which was very puzzling to them. In their plea, S. Adams tried to represent that *regular* Baptists were quite easy among us; and more than once insinuated that these complaints came from enthusiasts who

> made it a merit to suffer persecution; and also that enemies had a hand therein. Paine said, there was nothing of conscience in the matter; it was only a contending about paying a little money; and also that we would not be neighborly and let them know who we were, which was all they wanted, and they would readily exempt us.
>
> In answer, I told them they might call it enthusiasm or what they pleased; but I freely own, before all these gentlemen, that it is absolutely a point of conscience with me; for I cannot give in the certificates they require without implicitly acknowledging that power in man which I believe belongs only to God. This shocked them; and Cushing said: "*It quite altered the case;* for if it were a point of conscience, he had nothing to say to that." And the conference of about four hours continuance, closed with their promising to do what they could for our relief; though to deter us from thinking of their coming upon equal footing with us as to religion, John Adams at one time said, we might as well expect a change in the solar system, as to expect they would give up their establishment.[27]

Notwithstanding the promises made by the Massachusetts delegates, the Baptists who had attended the October 14, 1774 meeting were not, given the resistance by those delegates, optimistic about the outcome. Accordingly, a committee appointed by the Philadelphia Baptist Association had copies of the following documents delivered to the First Continental Congress delegates: the memorial read by President Manning at the meeting; a resolution that "the Committee, not being satisfied with the declaration made [at the meeting] by the delegates from Massachusetts Bay, are determined to pursue every prudent measure, to obtain a full and complete redress of all grievances, for our brethren in New England"; and a copy of Backus's *Appeal to the Public for Religious*

Liberty.[28] As discussed above, Backus's *Appeal* included quotations from Roger Williams in support of complete liberty of conscience and separation of church and state.

Although Massachusetts continued to discriminate against dissenting religious denominations during the remainder of his lifetime, Isaac Backus continued his fight for the principles of Roger Williams, citing and quoting him in additional pamphlets arguing for separation of church and state and liberty of conscience.[29] Backus was later a delegate to the Massachusetts Convention on the ratification of the United States Constitution. On February 4, 1788, he gave a speech in that convention in which he praised the exclusion of any religious test for any federal governmental office in Article VI, Clause 3, of the proposed Constitution:

> I shall begin with the exclusion of any religious test. Many appear to be much concerned about it; but nothing is more evident, both in reason, and in the Holy Scriptures, than that religion is ever a matter between God and individuals; and, therefore no man or men can impose any religious test, without invading the essential prerogatives of our Lord Jesus Christ. Ministers first assumed this power under the Christian name; and then Constantine approved of the practice, when he adopted the profession of Christianity, as an engine of state-policy. And let the history of all nations be searched from that day to this, and it will appear that the imposing of religious tests hath been the greatest engine of tyranny in the world. And I rejoice to see so many gentlemen, who are now giving in their rights of conscience in this great and important matter. Some serious minds discover a concern lest, if all religious tests should be excluded, the Congress would hereafter establish Popery, or some other tyrannical way of worship. But it is most certain that no such way of worship can be established without any religious test.[30]

Near the end of his life, Backus published a further work entitled *Church History of New England from 1620 to 1804*. In an 1804 preface to that work, Backus observed that "[m]any of the new things in this volume were taken from Winthrop's Journal, published in 1790; from the publications of the Historical Society at Boston, and from a book which I borrowed of them, called 'The Bloody Tenet,' of which I know not of another copy in America."[31] The latter reference is, of course, to Roger Williams's *Bloudy Tenent*, which, as explained above, Backus did not have when he wrote *The History of New-England* about twenty years earlier. On the basis of such additional historical sources, Backus's *Church History* discussed in further depth the principles and historical actions of Roger Williams.[32] He concluded his discussion of Roger Williams with the following epitaph:

> In April, the same year [1683], Mr. Roger Williams was taken to rest, and he hath a large posterity among us to this day. He was honoured of God to be instrumental of founding the first civil government upon earth, since [the time of Constantine], that allowed equal religious liberty, and he was serviceable therein unto the age of eighty-four. And for godly sincerity in public actings, and overcoming evil with good, it is believed no man on earth exceeded him in that age.[33]

John Adams's views on religion mellowed as he aged. Like the church to which he belonged, he progressed from a Puritan Congregational outlook to Unitarianism—which would have been adjudged criminal heresy in the preceding century. In postpresidential correspondence with Thomas Jefferson, Adams

manifested considerable sympathy for liberty of conscience and vigorous opposition to religious persecution.[34] In an August 10, 1822 deed, Adams spoke of "the excellent Roger Williams," albeit in the same paragraph that he praised William Coddington as "a man of large and liberal mind."[35] Adams was apparently unaware of the decades-long conflict, discussed above, between William Coddington and Roger Williams.

In the 1820-21 Massachusetts Constitutional Convention, Adams attempted, unsuccessfully, to make progress toward religious freedom in Massachusetts. Although he was selected as a delegate to that convention, he was not able to attend many sessions as a result of his advanced age. He did, however, communicate a proposed modification to the existing Massachusetts Constitution by way of another delegate. The Journal of the Convention reported the following exchange on December 27, 1820:

> Mr. [Isaac] Parker of Boston rose at the request of the gentleman from Quincy [John Adams], who was unavoidably absent, to propose that in the third article of the declaration of the bill of rights, the words "all men of all religions, demeaning themselves as good subjects, shall enjoy the equal protection of the laws" should be inserted, instead of the words "men of every denomination of Christians."
>
> Mr [Eliphalet] Williams had no special objection to this proposition, but did not think it would meet the wishes of the people of this Commonwealth.
>
> Mr. Parker withdrew the proposition.[36]

Charles Francis Adams, in a biography of his grandfather John Adams, made the following observation regarding this episode: "The old Puritan feeling which began with laboring to establish a Christian Commonwealth, was yet alive, and refused to recognize

Jews or heathens as perfect equals with Christians before the law."[37]

The disestablishment of religion in Massachusetts was not achieved until seven years after John Adams's death. As Isaac Backus's nineteenth-century biographer put it, "Not until 1833 was the third article of the [Massachusetts] Bill of Rights so amended, that Church and State were separated in the Commonwealth of Massachusetts, and soul-liberty, as maintained by Roger Williams and the Baptists of every age, finally and perfectly secured."[38] However, Massachusetts finally decided to separate church and state not out of any sympathy with Roger Williams's principles but rather because the Unitarian Church was, as a result of its growing popularity, gradually displacing the Congregational Church as the legal beneficiary of governmental compulsion and largesse.[39] But no matter how ignoble the motivation, Massachusetts theocracy was now officially dead, after riding roughshod over liberty of conscience for more than two hundred years.

In 1936, the Commonwealth of Massachusetts revoked the sentence of banishment against Roger Williams. In the three hundred years since that sentence had been imposed, the principles of Roger Williams had largely prevailed. The dictatorial principles of the Massachusetts Bay theocrats have now been largely forgotten by the American public. Indeed, it is one of the greatest ironies of American history that these New England "Founding Fathers" with their "City upon a Hill" eventually acquired an undeserved reputation for advocating religious freedom. With his humble, unselfish faith, Roger Williams would not have considered that historical error unforgiveable. However, this book follows the lead of a few other historians in taking pains to correct this historical injustice.

Massachusetts was the last state to abandon government-established religion and extensive discrimination against disfavored

religious groups. Virginia—under the auspices of Thomas Jefferson, James Madison, and Baptists continuing a long tradition of religious liberty (probably influenced, directly or indirectly, by Roger Williams)—substantially accomplished separation of church and state and complete liberty of conscience during the first decade after independence.

Separation of Church and State in Virginia

James Madison was a religious liberty activist at an early age. On January 22, 1774, when he was twenty-two years old and living at home in Orange County, Virginia, he wrote to a college friend about the imprisonment, in an adjacent county, of "not less than 5 or 6 well meaning men in close Goal for publishing their religious Sentiments which in the main are very orthodox. I have neither patience to hear talk or think of any thing relative to this matter, for I have squabbled and scolded abused and ridiculed so long about it, to so little purpose that I am without common patience." These prisoners were Baptist preachers who were incarcerated as a result of their religion. In the same letter Madison remarked that "Union of Religious Sentiments begats a surprizing confidence and Ecclesiastical Establishments tend to great ignorance and Corruption all of which facilitate the Execution of mischievous Projects." He decried "[t]hat diabolical Hell conceived principle of persecution" which "rages among some and to their eternal Infamy the Clergy can furnish their Quota of Imps for such business. This vexes me the most of any thing whatever."[40] The ecclesiastical establishment to which Madison was referring was the established Church of England (later renamed the Episcopal Church) in Virginia.

Madison's friend, William Bradford, lived in Pennsylvania. Madison and Bradford had met when they attended the College of New Jersey (later Princeton University). As discussed above,

Pennsylvania recognized religious liberty for all monotheists, though only Christians could become public officials. In an April 1, 1774 letter to Bradford, Madison mentioned that the Baptists and perhaps the Presbyterians would present petitions to the Virginia Assembly "for greater liberty in matters of Religion." But Madison doubted that such petitions would be successful: "That liberal catholic [universal] and equitable way of thinking as to the rights of Conscience, which is one of the Characteristics of a free people and so strongly marks the People of your province is but little known among the Zealous adherents to our [ecclesiastical] Hierarchy." Madison observed that Bradford was "happy in dwelling in a Land where . . . [the] public has long felt the good effects of their religious as well as Civil Liberty. . . . Religious bondage shackles and debilitates the mind and unfits it for every noble enterprize every expanded prospect."[41]

In an autobiographical sketch, prepared sometime during the last few years of his life, Madison indicated that his youthful defense of the Baptist dissenters involved more than moral support. Referring to himself in the third person, Madison wrote:

> On the commencement of the dispute with Great Britain, he entered with the prevailing zeal into the American Cause; being under very early and strong impressions in favour of Liberty both Civil & Religious. His devotion to the latter found a particular occasion for its exercise in the persecution instituted in his County as elsewhere against the preachers belonging to the sect of Baptists then beginning to spread thro' the Country. Notwithstanding the enthusiasm which contributed to render them obnoxious to sober opinion as well as to the laws then in force, against Preachers dissenting from the Established Religion, he spared no exertion to save them from imprisonment & to

> promote their release from it. This interposition tho' a mere duty prescribed by his conscience, obtained for him a lasting place in the favour of that particular sect.[42]

As discussed above, Isaac Backus and some other Baptists and Quakers met with John Adams, Sam Adams, and other delegates to the First Continental Congress during the evening of October 14, 1774. The purpose of the meeting was to present Baptist and Quaker grievances protesting religious discrimination by Massachusetts and other New England colonies. In a letter to Bradford dated November 26, 1774, Madison expressed some awareness of these developments: "I was told by a Quaker Gentleman from Philada that a complaint of being persecuted in New-England was laid before the Congress by the People called Baptists. Did Truth or prejudice dictate to the Quaker in his report[?]"[43] Bradford, who was in Philadelphia at the time, responded: "With regard to the Complaints of the New-England Baptist[s] I can learn nothing. I believe there was none."[44] It appears from this reply that the October 14th meeting was not well known in Philadelphia, for Bradford was the son of a Philadelphia newspaper publisher who was also the printer of the *Journal* of the First Continental Congress.[45]

The Revolutionary War began with the battles of Lexington and Concord in April 1775. The Second Continental Congress began meeting in Philadelphia on May 10, 1775. As the months of war continued, public opinion began a shift toward favoring independence. Meanwhile, several of the individual colonies were forming independent state governments. Madison was elected to the Virginia Convention, which met on May 6, 1776.

The Virginia Convention, in Madison's words, "formed the original Constitution of the State with the Declaration of Rights prefixed to it . . . ."[46] George Mason, the distinguished Virginia statesman of an older generation, drafted the Declaration of

Rights. The twenty-five-year-old Madison suggested that Mason's draft, which called for religious "toleration" in the article on freedom of conscience, be amended so that freedom of conscience was a right rather than a privilege. Madison's proposed alternative language replaced Mason's words that "all Men shou'd enjoy the fullest Toleration in the Exercise of Religion, according to the Dictates of Conscience, unpunished and unrestrained by the Magistrate" with "all men are equally entitled to the full and free exercise of [religion] accordg to the dictates of Conscience; and therefore that no man or class of men ought, on account of religion to be invested with peculiar emoluments or privileges; nor subjected to any penalties or disabilities . . . ." This version was not acceptable to the Convention, probably because it would have been inconsistent with the government-established church, which the Convention was not prepared to abandon. Madison's second proposed redraft stated that "all men are equally entitled to enjoy the free exercise of religion, according to the dictates of conscience, unpunished and unrestrained by the magistrate." This version was mostly incorporated in the final article on religion adopted by the Convention, which (including also other language taken or slightly modified from Mason's original draft) read as follows:

> That religion, or the duty which we owe to our Creator, and the manner of discharging it, can be directed only by reason and conviction, not by force or violence; and therefore, all men are equally entitled to the free exercise of religion, according to the dictates of conscience; and that it is the mutual duty of all to practice Christian forbearance, love, and charity, towards each other.[47]

Madison was proud of this accomplishment. In his autobiographical sketch, written decades later, he wrote: "The change

suggested and accepted, substituted a phraseology which—declared the freedom of conscience to be a natural and absolute right."[48] Although Mason's words "Creator" and "Christian" in the language of the finally adopted article, as well as the continuing existence of an established church in Virginia, still reflected a blending of church and state that Roger Williams would have found unacceptable, the provision was a substantial advance on earlier Virginia law.

The Virginia Convention approved the Declaration of Rights on June 12, 1776.[49] Earlier, on May 16, the Convention had unanimously instructed Virginia's delegates in the Second Continental Congress to propose the final separation from Great Britain.[50] Thomas Jefferson was one of those delegates. On June 7, 1776, the Virginia delegation in the Second Continental Congress moved for adoption of a resolution of independence from Great Britain. The motion was seconded by John Adams. Disposition of the motion was postponed until July 1 in order to give an opportunity for delegates from colonies that had not as yet authorized independence to consult their constituents. In the meantime, in order not to lose any time in the event the Congress adopted the independence motion, the following committee was appointed to prepare a declaration of independence: Thomas Jefferson, John Adams, Benjamin Franklin, Roger Sherman, and Robert Livingston. Jefferson substantially drafted the Declaration of Independence, with revisions from other members of the committee and, later, from the entire Congress. The Congress adopted the resolution of independence on July 2 and promulgated the Declaration of Independence on July 4, 1776.[51]

As discussed above, Stephen Hopkins, a Rhode Island delegate to the First Continental Congress, had written approvingly and at length regarding the religious liberty principles of Roger Williams. Hopkins was also a Rhode Island delegate to the Second Continental Congress and, as such, was one of the signers of the

Declaration of Independence. Jefferson made notes of some of the sessions of the Second Continental Congress that he and Hopkins both attended. Among other things, Jefferson wrote about Hopkins's participation in a debate on a draft of what later would become the Articles of Confederation for the new government.[52] It is certain that Jefferson and Hopkins knew each other from their participation together in the Second Continental Congress. However, the extent of their conversations, if any, is unknown. It would be interesting to learn whether they ever discussed Roger Williams or the October 14, 1774 meeting involving Hopkins, Isaac Backus, John Adams, and others regarding Massachusetts's continuing discrimination against Quakers and Baptists. Unfortunately, the historical record is silent with respect to any such private conversations.

Jefferson was elected by his county to the new Virginia legislature. He observed in his *Autobiography* that "I knew that our legislation under the regal government had many very vicious points which urgently required reformation, and I thought I could be of more use in forwarding that work." Accordingly, on September 2, 1776, Jefferson resigned his seat in the Second Continental Congress, and on October 7, 1776, he took his place in the Virginia legislature.[53]

One of Jefferson's legislative efforts involved an attempt to separate church and state and end religious discrimination in Virginia. He noted in his *Autobiography* that "by the time of the revolution, a majority of the inhabitants [in Virginia] had become dissenters from the established church [the Church of England, which, in America, was renamed the Episcopal Church sometime after the break with England], but were still obliged to pay contributions to support the Pastors of the minority. . . . But the first republican legislature which met in [1776] was crowded with petitions to abolish this spiritual tyranny. These brought on the severest contests in which I have ever been engaged."[54] Jefferson

further described the debates in the Virginia legislature during late 1776:

> The petitions were referred to the commee of the whole house on the state of the country [Virginia]; and after desperate contests in that committee, almost daily from the 11th of Octob. to the 5th of December, we prevailed so far only as to repeal the laws which rendered criminal the maintenance of any religious opinions, the forbearance of repairing to church, or the exercise of any mode of worship: and further, to exempt dissenters from contributions to the support of the established church; and to suspend, only until the next session levies on the members of that church [the established church] for the salaries of their own incumbents.[55]

In other words, although the Declaration of Rights, passed a few months earlier, enunciated the principle that dissenters should not be prosecuted for their religion, criminal laws against religious dissent still existed in the Virginia statute books. These laws had to be repealed in order to fulfill the promise of the Declaration, and Jefferson and others obtained their repeal in late 1776, insofar as they had been based on British law. The legislators also took steps toward disestablishing the official church, but this progress was incomplete and tentative. Jefferson observed, with regard to the legislation enacted in late 1776, that "our opponents carried in the general resolutions of the cmmee of Nov. 19. a declaration that religious assemblies ought to be regulated, and that provision ought to be made for continuing the succession of the clergy, and superintending their conduct."[56]

The Virginia legislature gradually separated church and state during the next few years. The 1776 legislation suspended

governmental payment of salaries of the ministers of the established church, and this suspension was continued in the May 1777 session. In 1779, all legislation relating to governmental payment of such salaries was repealed. Although an act for "incorporating the Protestant Episcopal Church" was passed in the October 1784 session, that law was repealed, in part, in 1786. (The incorporation act had, among other things, authorized governmental involvement in the affairs of the Episcopal Church and vesting certain governmental land in them; the part of the act regarding tax-supported land was not repealed.) By 1784, Virginia law recognized fully the right of ministers of dissenting denominations to celebrate the rites of matrimony on the same basis as ministers of the Episcopal Church. Finally, in 1798, the legislature repealed all laws that had given governmental land (called glebe land) to the Episcopal Church, reserving, however, the churchyards and church buildings to that denomination. The Baptists were much involved in securing these laws separating church and state in Virginia.[57]

The 1776 legislation in the Virginia legislature repealed previous statutes of the British Parliament criminalizing religious dissent, but it did not overturn the common law (court-created law) or the previous acts of the Virginia legislature that attached severe penalties to the crime of religious heresy.[58] As part of Jefferson's extensive work on revising the Virginia laws, he prepared, in 1777, a Bill for Establishing Religious Freedom, which was presented to the Virginia legislature and debated therein in 1779. However, Jefferson's Bill was not enacted until January 1786.[59]

The operative language of Jefferson's Bill for Establishing Religious Freedom, which was enacted verbatim (except for the deletion of the comma after "suffer") in 1786, provided

> that no man shall be compelled to frequent or support any religious worship, place, or ministry whatsoever, nor

> shall be enforced, restrained, molested or burthened in his body or goods, nor shall otherwise suffer, on account of his religious opinions or belief; but that all men shall be free to profess, and by argument to maintain, their opinions in matters of religion, and that the same shall in no wise diminish, enlarge, or affect their civil capacities.[60]

Although the Virginia legislature modified some of the language in the preamble of Jefferson's proposed Bill, the following language of Jefferson's preamble was also included (with minor punctuation and capitalization revisions) in the final Act:

> Almighty God hath created the mind free; . . . that all attempts to influence it by temporal punishments, or burthens, or by civil incapacitations, tend only to beget habits of hypocrisy and meanness, and are a departure from the plan of the holy author of our religion, who being lord both of body and mind, yet chose not to propagate it by coercions on either, as was in his Almighty power to do . . . .[61]

With reference to this language, Jefferson observed in his *Autobiography* that

> Where the preamble [of the Bill for Establishing Religious Freedom] declares that coercion is a departure from the plan of the holy author of our religion, an amendment was proposed, by inserting the word "Jesus Christ," so that it should read "a departure from the plan of Jesus Christ, the holy author of our religion." The insertion was rejected by a great majority, in proof that they meant to comprehend, within the mantle of it's protection, the Jew and the Gentile, the Christian and Mahometan, the Hindoo, and infidel of every denomination.[62]

In an influential book on Roger Williams, Professor Timothy L. Hall argued that Jefferson was mostly concerned with the protection of beliefs, not with the protection of religious practices. This argument, which disparages Jefferson and distances him from Roger Williams, does not sufficiently account for the provisions in Jefferson's Bill for Establishing Religious Freedom, let alone Jefferson's earlier legislative efforts in the Virginia General Assembly or his remarks in *Notes on the State of Virginia*. In all of these endeavors, Jefferson exhibited a real, active concern for religious practice as well as opinion.[63]

It has been argued that the influence of Roger Williams reached Jefferson by way of the religious toleration writings of the English philosopher John Locke (1632-1704), especially Locke's *Letter Concerning Toleration*.[64] Although Locke's writings on religious toleration evince a less complete philosophy of liberty of conscience than that expressed by Roger Williams, certain arguments in Locke's *Letter* parallel what Williams wrote decades earlier. In turn, some of these concepts were articulated by Jefferson and Madison. Appendix D discusses the question whether Locke was influenced, directly or indirectly, by Williams and whether that influence was transmitted to Jefferson and Madison, among others, by way of Locke's writings on toleration.

Thomas Jefferson succeeded Benjamin Franklin as American minister to France in 1785, and Jefferson was in Paris at the time his Bill for Religious Liberty was substantially enacted into law in January 1786.[65] The historical background of this enactment involves a related significant episode in the history of religious freedom.

In April of 1784 James Madison was elected to the Virginia House of Delegates (the lower house of the Virginia General Assembly), and he remained a member of that legislative body until his election to the Confederation Congress in November of 1786.[66] During the spring 1784 session, several petitions were

sent to the General Assembly in favor of tax support for religion. Although the laws authorizing governmental payment of the salaries of clergy had been repealed, certain powerful Virginia political figures, most notably Patrick Henry, were not pleased with what they regarded as a newfangled separation of church and state. Henry proposed a resolution that the people "pay a moderate tax or contribution annually for the support of the Christian religion or of some Christian church, denomination or communion of Christians or of some form of Christian worship."[67] This became known as the "general assessment" proposal. In the fall of 1784, Patrick Henry and other notable Virginia politicians almost succeeded in obtaining the enactment of such a general assessment bill. Passage of the bill was prevented only by the determined opposition of James Madison, who used a number of clever political maneuvers to obtain its postponement to the fall 1785 session of the legislature.[68]

In the course of delaying a final vote on the general assessment bill, Madison also apparently spoke against the general assessment bill in legislative debates that occurred in late December of 1784. Although no stenographic record of Madison's remarks exists, his own notes for his speech or speeches were preserved. In one line of argument, Madison emphasized the logical absurdities of limiting tax-supported financial aid to the Christian religion. This would require courts to determine what is true Christianity. "Is it Trinitarianism, arianism, Socinianism? Is it salvation by faith or works also—by free grace, or free will—&c &c &c"? "What books canonical, what apocryphal?" "What edition [of the Bible], Hebrew, Septuagint, or vulgate? What copy—what translation?" "What clue is to guide Judge thro' this labyrinth? When the question comes before them whether any particular Society is a Christian Society?" "[This process] [e]nds in [courts determining] what is orthodoxy, what heresy."[69] These were no

idle speculations, as the history of established churches, both in Europe and in America, had involved severe conflicts, including bloody persecutions, over exactly such issues.

In another line of argument, Madison stated some more fundamental objections to the general assessment bill that were quite similar to arguments made by Roger Williams in the preceding century. Religion is "not within the purview of Civil Authority." "Experience shews Relig: corrupted by Estabt." Madison specifically cited Rhode Island, among a few other states, as a successful example of separation of church and state. The general assessment bill would "dishonour Christianity."[70]

In a December 24, 1784, letter to Thomas Jefferson, Madison observed that "[t]oday [the] third reading [of the general assessment bill] was put off till Novr. next . . . and is to be printed for consideration of the people."[71] In its final form, as described by Madison, the bill proposed "a tax of blank per Ct. on all taxable property for support of Teachers [ministers] of the Christian Religion. Each person when he pays his tax is to name the society to which he dedicates it, and in case of refusal to do so, the tax is to be applied to the maintenance of a school in the County."[72] In a later letter to James Monroe, Madison referred to this proposal as a "Bill for establishing the Christian Religion in this State."[73]

During the months before the fall 1785 legislative session, a public outcry emerged against the general assessment bill, especially among the Baptists. Legislative supporters of the bill were defeated in elections. Many petitions opposing the bill were circulated among the populace, garnering a large number of signatures. Among these was an anonymously written petition that is known to history as the "Memorial and Remonstrance against Religious Assessments." This document was written by James Madison, who did not admit his authorship until 1826.[74]

Madison's Memorial and Remonstrance made the following among other important arguments against government support of religion:

- In an introductory paragraph, the Memorial stated that the general assessment bill, "if finally armed with the sanctions of a law, will be a dangerous abuse of power . . . ."
- Quoting Article XVI of the 1776 Virginia Declaration of Rights, the Memorial stated that "Religion or the duty which we owe to our Creator and the manner of discharging it, can be directed only by reason and conviction, not by force or violence." Thus, every person has an "unalienable right" to religious freedom, a right that precedes the claims of civil society. Although the will of the majority usually determines political questions, the status of religious freedom as an "unalienable right" means that "in matters of Religion, no mans right is abridged by the institution of Civil Society and that Religion is wholly exempt from its cognizance."
- Since religion is "exempt from the authority of the Society at large, still less can it be subject to that of the Legislative Body," the jurisdiction of which is both derivative and limited. "The preservation of a free Government requires not merely, that the metes and bounds which separate each department of power be invariably maintained; but more especially that neither of them be suffered to overleap the great Barrier which defends the rights of the people."
- Madison deemed it "proper to take alarm at the first experiment on our liberties," which was "one of the noblest characteristics of the late Revolution." The American revolutionaries "did not wait until usurped power had strengthened itself by exercise, and entangled the question

in precedents. They saw all the consequences in the principle, and they avoided the consequences by denying the principle." Similarly, "Who does not see that the same authority which can establish Christianity, in exclusion of all other Religions, may establish with the same ease any particular sect of Christians, in exclusion of all other Sects? that the same authority which can force a citizen to contribute three pence only of his property for the support of any one establishment may force him to conform to any other establishment in all cases whatsoever?"

- "[T]he Bill violates that equality which ought to be the basis of every law . . . ."
- "[T]he Bill implies either that the Civil Magistrate is a competent Judge of Religious Truth; or that he may employ Religion as an engine of Civil policy. The first is an arrogant pretension falsified by the contradictory opinions of Rulers in all ages, and throughout the world: the second an unhallowed perversion of the means of salvation."
- "[T]he establishment proposed by the Bill is not requisite for the support of the Christian Religion. To say that it is, is a contradiction to the Christian Religion itself, for every page of it disavows a dependence on the powers of this world . . . ."
- "[E]xperience witnesseth that ecclesiastical establishments, instead of maintaining the purity and efficacy of Religion, have had a contrary operation."
- "[T]he establishment in question is not necessary for the support of Civil Government. . . . If Religion be not within the cognizance of Civil Government how can its legal establishment be necessary to Civil Government? What influence in fact have ecclesiastical establishments had on Civil Society? In some instances, they have been seen to erect a spiritual tyranny on the ruins of the Civil authority;

in many instances they have been seen upholding the thrones of political tyranny: in no instance have they been seen the guardians of the liberties of the people."

- "[T]he proposed establishment is a departure from that generous policy" that offers "an Asylum to the persecuted and oppressed of every Nation and Religion . . . . It degrades from the equal rank of Citizens all those whose opinions in Religion do not bend to those of the Legislative authority. Distant as it may be in its present form from the Inquisition, it differs from it only in degree. The one is the first step, the other the last in the career of intolerance."
- The bill "will have a like tendency to banish our Citizens" by adding "a fresh motive to emigration by revoking the liberty which they now enjoy . . . ."
- The bill "will destroy that moderation and harmony which the forbearance of our laws to intermeddle with Religion has produced among its several sects. Torrents of blood have been spilt in the old world, by vain attempts of the secular arm, to extinguish Religious discord, by proscribing all difference in Religious opinion."[75]

The editor of volume 8 of *The Papers of James Madison* observed, with reference to the general assessment issue, that "[s]urely [Madison] discussed the matter with his neighbors, including the obstreperous John Leland, a Baptist minister who loathed all forms of church-state alliances."[76] As will be discussed below, Leland often invoked Roger Williams in opposing all governmental involvement with religion. Although no concrete primary-source evidence appears to exist of consultation between Madison and Leland on the general assessment issue, it is quite clear that Madison spoke with other Baptist representatives (who likely were also influenced by Williams and who were in communication with

Leland) on that matter.[77] The reader will observe many similarities between Williams's arguments (discussed in earlier chapters) and Madison's arguments in the Memorial and Remonstrance, especially in Madison's reference to the "[t]orrents of blood that have been spilt" in order to impose religious conformity. It may be that Madison had learned of the principles of Roger Williams as a result of his association with Leland or other Baptist followers of Williams. Although Madison had certainly also read Locke, many of his arguments can be found in Williams but not in Locke.

By the time the Virginia legislature met in the fall of 1785, those legislators who assembled saw the public handwriting on the wall, and the general assessment bill was buried, never again to see the light of day. Madison took advantage of the change in the political atmosphere to obtain the passage of Jefferson's Bill for Establishing Religious Freedom, discussed above. Thus, within a year's time, the Virginia General Assembly had progressed from being on the verge of enacting a general assessment bill to making a historic pronouncement in favor of separation of church and state. This accomplishment can be attributed to the tireless labors of Jefferson, Madison, and the Baptist dissenters over a period of many years.[78]

John Leland, James Madison, and the First Amendment

Baptist clergy such as Isaac Backus were important figures in preserving the legacy of Roger Williams. As discussed above, Dr. John Clarke, a Baptist pastor, worked with Roger Williams to establish a Rhode Island government that was based on principles of religious freedom and separation of church and state; Clarke was responsible for obtaining, after many years' residence in England, the second charter for Rhode Island.[79] Roger Williams and John Clarke continued to be remembered by Backus and other Baptists for these principles.

John Leland (1754-1841) was a Baptist minister who repeatedly praised Roger Williams for his religious liberty principles. Leland personally knew both Jefferson and Madison. In fact, as discussed below, it could be argued that the Bill of Rights, and thus the First Amendment provisions regarding separation of church and state and free exercise of religion, would not have happened without the principled political activity of Leland in mobilizing Baptist support for James Madison's political success.

Leland continued the tradition of such Baptist leaders as John Clarke and Isaac Backus in promoting liberty of conscience and disestablishment of church and state. In words reminiscent of Backus, Leland stated that Roger Williams "has the honor of founding the first government, free from religious oppression, that has ever been since the days of Constantine."[80] Leland also made several other favorable references to Roger Williams's history and principles in his speeches and writings.[81]

The First Amendment to the United States Constitution was ratified in 1791—more than 108 years after the death of Roger Williams. This amendment begins with the famous Religion Clauses: "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof . . . ."[82]

As historian Gordon S. Wood has observed, "There is no question that it was Madison's personal prestige and his dogged persistence that saw the amendments through the Congress. There might have been a federal Constitution without Madison but certainly no Bill of Rights."[83]

The irony of the First Amendment Religion Clauses is that their main supporter, James Madison, originally opposed any amendments to the U.S. Constitution. Madison attended the 1787 constitutional convention, and he, along with most other delegates, did not favor a specification of individual rights, believing that such itemization would leave the door open for the new federal government to claim that no other individual rights existed.

Since the federal government proposed in the Constitution was a government of limited powers and since that government was not given any power over religion, Madison thought that these constitutional facts, along with the checks and balances embodied in the new system, would be sufficient to prevent the federal government from interfering with religious concerns. He observed in a letter to his friend Thomas Jefferson that state declarations of individual rights had proved ineffective: "Repeated violations of these parchment barriers have been committed by overbearing majorities in every state." He was especially concerned about liberty of conscience: "I am sure that the rights of conscience in particular, if submitted to public definition would be narrowed much more than they are likely ever to be by an assumed power. One of the objections in New England was that the Constitution by prohibiting religious tests opened a door for Jews Turks [Muslims] and infidels."[84]

Madison was persuaded to be a candidate for the June 1788 Virginia convention that would decide whether or not the state would ratify the Constitution. Initially he intended to remain in New York, where he was writing many of *The Federalist* papers, rather than go home and actively campaign. The election of two delegates from Orange County to the Virginia ratifying convention was scheduled for March 24, 1788. In a January 30, 1788 letter, his father alerted him to the existence of an antifederalist candidate as well as growing sentiment against the Constitution. "The Baptists," he wrote, "are now generally opposed to it," and he urged Madison to return home as early in March as he could.[85]

On February 17, 1788, James Gordon Jr. wrote to Madison:

> [I] take the Liberty as yr. Friend to solicit your attendance at march Orange court. I am induced to make such a request as I believe it will give the county in general great satisfaction to hear your sentiments on the new Constitution.

> Your Friends are very solicitous for your appointment in the convention to meet in June next. I trust were it not practicable for you to attend your election would be secured, but your being present would not admit a doubt. Colo. Thomas Barbour, Mr. Charles Porter & myself enter the list with you[;] the two former gentlemen are exceedingly averse to the adoption of the constitution in this state and being acquainted with them you will readily determine, no means in their power will be wanting to procure a seat in convention. The sentiments of the people of Orange are much [divided,] the best men in my judgement are for the constitution but several of those who have much weight with the people are opposed, Parson Bledsoe [a Baptist minister] & Leeland with Colo. Z. Burnley. Upon the whole sir I think it is incumbent on you with out delay, to repair to this state; as the loss of the constitution in this state may involve consequences the most alarming to every citizen of America.[86]

In a letter dated February 18, 1788, John Dawson informed Madison:

> In Orange I am inform'd there are three candidates, besides yourself, and that the election is very doubtful, as two of the Gentlemen, Barber and Porter, have declard their opposition to the proposed Government. I must therefore join your other friends and intreat your attendance at the election."[87]

The information in these letters was confirmed and elaborated upon in a February 28, 1788 letter from Joseph Spencer to Madison. Spencer emphasized the Baptist opposition to the proposed Constitution. He said their principal objection was

that religious liberty was not sufficiently secured. He wrote that the most public Baptist ministers in Orange County were John Leland, Aaron Bledsoe, and Nathaniel Saunders. He noted that Leland lived along Madison's travel route to his own home in Orange County. Accordingly, he advised Madison to call on Leland and spend a few hours discussing the latter's objections to the Constitution. Spencer enclosed with his letter a copy of Leland's written objections to the Constitution.[88]

Leland wrote that he was opposed to the Constitution because it contained no Bill of Rights. "We have no assurance that Liberty of the press will be allowed under this Constitution." Moreover, "[w]hat is clearest of all—Religious Liberty,—is not sufficiently secured." A majority of Congress along with the president could "favour one [religious] System more than another" and "oblige all others to pay to the support of their System as much as they please . . . ." "[I]f the Manners of People are so far Corrupted, that they cannot live by Republican principles, it is Very Dangerous leaving Religious Liberty at their Mercy."[89]

On February 29, 1788, Edmund Randolph wrote to Madison that the Baptist interest was highly aroused by the anti-Constitution rhetoric of Patrick Henry.[90]

In light of all the political intelligence he was receiving from Virginia, Madison decided he had better return to Orange County before the election.[91] Although there is no extant writing of Madison or Leland confirming that they met to discuss Leland's objections, the circumstantial historical evidence is rather overwhelming that they did, in fact, meet about March 22, 1788, and that Madison persuaded Leland to support his candidacy in exchange for Madison's promise to seriously consider constitutional amendments for a bill of rights. Having thus secured the Baptist vote in Orange County (perhaps augmented by a long oration he gave on election day), Madison and his federalist colleague, James Gordon Jr., won the March 24th election in a landslide; had the

Baptists not changed their minds, Madison and Gordon certainly would have lost.[92]

At the Virginia ratifying convention in June, Madison faced the strong opposition of Patrick Henry and George Mason. Only by promising to seek appropriate amendments to the Constitution was Madison able to overcome his opponents and obtain Virginia's ratification to the Constitution.[93]

Upon the ratification of the Constitution by the requisite number of states, the new government went into effect in 1789. Although Patrick Henry was able to deny Madison a Senate seat, Madison stood for election for a position in the House of Representatives. The Baptists again wavered, doubting Madison's commitment to a bill of rights. Madison promised Leland and other Baptists that he would seek appropriate constitutional amendments. In return, they supported his candidacy. Notwithstanding gerrymandering of the House district by Henry and his supporters, Madison won the election with the support of the Baptists and took his seat in the House of Representatives in 1789. Once in Congress, Madison was the leader of the movement for a bill of rights against much opposition by others in the House and Senate. He eventually prevailed, and the First Amendment was passed by Congress later that year. It was ratified by the required number of states on December 15, 1991.[94]

Thus, it is not too much of an exaggeration to say that the Religion Clauses of the First Amendment would not have become part of the Constitution had it not been for the political support that Baptist followers of Roger Williams gave to the political efforts of James Madison at crucial moments.

Richard Cranch (1726-1811)

One of John Adams's good friends was a watchmaker and intellectual named Richard Cranch. Adams often called Cranch "my

brother," because Cranch's wife was Abigail Adams's sister (the famous Abigail was, of course, John Adams's wife). Cranch was also known to other leading Massachusetts figures during his lifetime. After American independence, Cranch served two terms in the Massachusetts House of Representatives and one term in the Massachusetts Senate. He was a Court of Common Pleas judge for four years and also held some local governmental offices. As a delegate to the Massachusetts ratifying convention, he supported ratification of the U.S. Constitution. He was a fellow of the American Academy of Arts and Sciences.[95]

An 1812 inventory taken after Cranch's death listed Roger Williams's *Bloody Tenent Yet More Bloody* as being in case 2, shelf 2, of his library.[96]

Jeremy Belknap (1744-1798)

Jeremy Belknap was born in Boston but moved to New Hampshire in 1764. Three years later, he became a minister at the Congregational Church in Dover, New Hampshire. He served as a chaplain to New Hampshire troops during the first year of the Revolutionary War. He became a historian as well as a minister, and was elected to the American Philosophical Society in 1784 and as a Fellow of the American Academy of Arts and Sciences in 1785. He returned to Boston in 1787 and was instrumental in founding the Massachusetts Historical Society.

In 1784, Belknap published the first volume of his *History of New-Hampshire*.[97] Chapter 3 of this volume described in some detail "the union . . . formed [by Massachusetts Bay] between the church and state on the plan of the Jewish theocracy" and the resulting persecutions of religious dissenters.[98] Belknap repeated many of the arguments of Roger Williams for liberty of conscience and separation of church and state. He discussed the banishment of Williams and the dispute between Williams and John Cotton

on the issues of freedom of conscience and church-state separation.[99] Belknap clearly favored Williams's position over Cotton's.

Several American leaders of the revolutionary era had this first volume of Jeremy Belknap's *History of New-Hampshire* in their libraries: Thomas Jefferson, George Washington, John Adams, and John Hancock, among others.[100]

In *Democracy in America*, published in 1835, Alexis de Tocqueville commented favorably on the foregoing discussion in chapter 3 of the first volume Belknap's *History of New-Hampshire*: "In that chapter the author gives extremely precious details about the political and religious principles of the Puritans, about the causes of their emigration, and about their laws. . . . Readers will encounter in Belknap more general ideas and more force of thought than other American historians have presented up to the present."[101]

David Ramsay (1749-1815)

David Ramsay was a member of the South Carolina legislature during the Revolutionary War and a British prisoner of war for about a year after the British captured Charleston. He was a member of the Continental Congress from 1782 to 1786 and was in the South Carolina Senate during the 1790s.

Ramsay became one of the most famous historians of early American history. In the first volume of his *History of the United States*, published posthumously in 1816, he wrote a short biography of Roger Williams.[102] After discussing Williams's banishment from Massachusetts Bay, his founding of Providence, his relationships with Native Americans, his diplomatic achievements in England, and his governmental service in Providence and Rhode Island, Ramsay observed that Williams was

> a writer in favour of civil and religious freedom, more bold, just, and liberal, than any of his predecessors or

> contemporaries. . . . It required great boldness of thinking, and uncommon abilities, to write [*The Bloudy Tenent*]. Sentiments were expressed in it, at that time of intolerance, which were afterwards admired in the writings of Milton, Locke, and Furneau. His ideas of the right of every man to think for himself were unusually correct. The various scenes, through which he passed, did not induce any alterations of his opinions, or [of?] religious freedom. . . . [H]is memory is deserving of lasting honour, for the generous toleration which he established, and for the correctness of his opinions concerning liberty of conscience, at an early period, when all sects believed in the rectitude of using power in possession, for supporting their respective tenets."[103]

Royall Tyler (1757-1826)

Royall Tyler was the son of a leading merchant of the same name (1724-71) who had been one of John Adams's friends or acquaintances. Adams observed that the younger Tyler was "of a very numerous Family and Connection in Boston who have long had great Influence in that Town . . . ." After his father's death, the younger Tyler recklessly spent a portion of his inheritance in a profligate lifestyle (evidently including impregnating a cleaning lady at Harvard). By 1782, however, he had become a lawyer and was attempting to give the impression that he had discarded his prodigal ways. One of the persons he tried to impress was Abigail Adams, the mother of Nabby (the younger Abigail), whom Tyler hoped to marry. Nabby's father, John Adams, was on diplomatic assignments abroad for the U.S. Continental Congress. Abigail, his wife, wrote a number of letters to him about Tyler's intentions regarding their daughter. But John Adams was reluctant to give his consent for Tyler to marry Nabby. He was not satisfied that

Tyler had fully reformed. Although John eventually told Abigail that she and Nabby should decide, Nabby never did marry Tyler, perhaps in part because her friends agreed with her father regarding Tyler's character. During these years (1782-83), Tyler was residing with the family of Richard Cranch, the person discussed above who had a copy of Roger Williams's *Bloody Tenent Yet More Bloody* in his personal library. It is unknown whether that work was in Cranch's library at the time Tyler resided at his house and, if so, whether Tyler read it (or any part of it) at that time.[104]

Although Tyler had some personal issues, he was unquestionably quite intelligent, knowledgeable, articulate, and witty. He served for a time as an officer with a company of Boston soldiers in the Revolutionary War, and he later played an important role in the suppression of Shay's Rebellion. He intended to become a literary author, and in this, as in many of his endeavors, he succeeded. Among other literary productions, he wrote *The Contrast*, which was the first play by an American that was professionally performed in America. George Washington owned a copy of the work, and both the play and its author became famous. Tyler also became an accomplished lawyer, eventually serving for a number of years as a judge and later Chief Justice of the Vermont Supreme Court. He was also a professor of jurisprudence at the newly founded University of Vermont from 1811 to 1814, and the Royall Tyler Theater has been located on that campus since 1974. In 1794, Tyler married a woman, Mary Palmer Tyler, who herself became a published, albeit anonymous, author. Their family life was, for the most part, happy, and they had a number of children.[105]

Tyler addressed issues of freedom of conscience and separation of church and state in at least three of his writings. In considering the following discussion of his works, the reader should be reminded that the Establishment and Free Exercise Clauses of the First Amendment (ratified 1791) to the U.S. Constitution did not apply to state and local governments until after the ratification of the

Fourteenth Amendment in 1868, that Connecticut did not abandon its established church (the famous "standing order") until late 1818, and that Massachusetts did not abrogate its theocratic laws until 1833. Until the ratification of the Fourteenth Amendment, state and local governments were free to impose whatever theocratic systems their legislatures deemed appropriate for their inhabitants. During Tyler's lifetime the First Amendment limited only the federal government. Nothing in the U.S. Constitution prevented any state from adopting any theocratic system its government desired, including discriminatory laws against dissenting religious individuals and groups such as Baptists and Quakers.

In 1797, Tyler published a novel, *The Algerine Captive; or, the Life and Adventures of Doctor Updike Underhill: Six Years Prisoner Among the Algerines*. This novel masqueraded as an autobiography by one Updike Underhill ("Underhill"), who was actually a purely fictional character. In the novel, Underhill claimed to be descended from Captain John Underhill ("Captain Underhill"), an actual historical figure in seventeenth-century Massachusetts Bay. Captain Underhill was in charge of the military arm of the Massachusetts Bay colony in its early years. He was sent by the civil magistrates to apprehend Roger Williams in Salem and put him on a ship back to England in January of 1636. As explained in Chapters 2 and 3 of the present book, Williams eluded Underhill and made his way to the Narragansett Bay area, where he established a settlement he called Providence. Tyler's *The Algerine Captive* refers to "the time when the zeal of our worthy forefathers burned the hottest against heretics and sectaries, when good Roger Williams, who settled Providence, . . . and others, were banished," but it does not mention Captain Underhill's role in Williams's forced exile. Instead, the narrative emphasizes how Captain Underhill himself was banished, somewhat later, for his own religious beliefs. The novel specifically cites Jeremy Belknap's *History of New-Hampshire* as the source of its seventeenth-century information. As observed

above, Belknap's work discussed Roger Williams's banishment and sympathized with his position on liberty of conscience and separation of church and state.[106]

After various adventures described in the first volume of *The Algerine Captive*, Updike Underhill is captured by Algerian pirates (a subject of considerable topicality at the time the novel was first published in 1797) and taken to Algiers to live the life of a slave. However, a Muslim mullah promises Underhill freedom if he will convert to Islam. Underhill debates the relative merits of Christianity and Islam with the mullah. Underhill refuses conversion and is returned to slavery. In the course of the debate, it becomes clear that Christianity and Islam have both used the coercive power of government to persecute "heretics"—those who disagree with the official religion. Tyler was criticized for this scene, because Islam seems to get the better of the argument with Christianity on the theological issues debated between Underhill and the mullah.[107]

During 1817 and early 1818, Tyler wrote *The Touchstone; or a Humble, Modest Inquiry into the Nature of Religious Intolerance* . . . . Only the first thirty-six printed pages of the text, ending in the middle of a sentence, have survived. These pages were part of a longer work, which apparently was never published. The manuscript and any prints of additional pages have disappeared. The following discussion is based on the existing thirty-six pages.[108]

The extant pages of *The Touchstone* do not identify Tyler as its author. Instead, the title page reads "By a member of the Berean Society." This was an obvious reference to Acts 17:11 of the Christian New Testament: the Bereans "received the word with all readiness, and searched the Scriptures daily *to find out* whether these things were so."[109] Roger Williams also referred, in a favorable manner, to the Bereans in the context of this verse and connected it with the biblical injunctions, in his words, "to try all things, to try the very Spirits."[110] Tyler used the terms "Berean"

and "Bereans" in a similar manner in the surviving thirty-six pages of his work.[111]

The Touchstone begins in a deceptively understated manner, observing, with reference to the respective theocratic laws resulting from such influences as the Roman Catholic Church, the Church of England, and the Congregational churches in Massachusetts and Connecticut, that the promoters of such laws did not think themselves intolerant, because they assumed that they alone had the true religion and that all dissenters pursued false religions.[112] "It was all done then, and is done now, for the good of *our* church; the building up of the true religion and the preservation of steady habits."[113] Referring to earlier practices of the Roman Catholic Church, which he analogized to New England Protestant theocratic notions, Tyler observed:

> An eminent layman of that persecuting age, writing to a Dominican Friar, says: "I bless a merciful God I have been thought worthy to assist in the weeding out heresy from the Garden of God. I can cheerfully pluck out the right eye and cut off the right arm which offends.— How willingly would I have embraced the stake in the room [place] of this execrable heretick, if I could have convinced him of his Lutheran errors, and reconciled him to the bosom of our holy church."[114]

No persecutors of religious dissenters throughout history, said Tyler, considered themselves "any more intolerant, than our worthy christian brethren in Connecticut think themselves intolerant, by the statute pre-eminence given to the standing order [the established church in Connecticut]."[115] Tyler goes on with this rhetorical device, loudly criticizing the persecutory history of the Roman Catholic Church (an easy target in what was then an overwhelmingly Protestant New England), while making little

asides analogizing that history with the persecutory histories of the Massachusetts and Connecticut theocracies.[116]

Tyler praises some but not all of the sixteenth-century Protestant leaders: "Luther, Beza, Bucer, Melancthon, Zuenglius, and a host of other *liberal* Berean christians, studied the sacred writings; thought for themselves, and put the Bible in the hands of the laity, that every man might read and think for himself . . ."[117] Conspicuously absent from this list is the sixteenth-century Protestant theologian who had the greatest influence on New England: John Calvin. The reason for the omission appears a few pages later. Calvin, wrote Tyler, "has transmitted his cognomen to a denomination of worshippers among us, who think a great deal *worse*, and, thanks to our free government, *act* a great deal better, than their great founder."[118] In denying the infallibility of the pope, Calvin "could not help thinking *himself infallible*: and this was very natural, and very logical; for he knew the Pope to be wrong—and he knew that he was undoubtedly right."[119] Calvin "was a great friend of toleration in popish countries; but he thought no toleration was needful in protestant countries—especially in Geneva, which possessed the true faith by the instrumentality of his preaching."[120] A description and discussion of the theocracy that Calvin established in Geneva can be found in Appendix B to the present book.

Meanwhile, "a modest, unassuming physician" named Servetus "was devoutly reading the scriptures" and "noticed that the doctrine of the Trinity was not, to say the least, so clearly expressed in them as might have been expected on a subject of such solemn magnitude." In fact, "upon recurring to his bible, and examining every text critically, he found to his surprize, that the very term Trinity was not once used in the Bible, from Genesis to Revelations, inclusive . . . ."[121]

"And so Doctor Michael Servetus became a professed unitarian, and frankly communicated what he conceived was a bible-truth to others, who also believed with him."[122] Tyler described Calvin's reaction as follows:

> How did John Calvin conduct on this occasion? Why, he acted as all learned zealots ever have, and ever will act, when the unlearned dare to think for themselves. He waxed wroth; he viewed with ineffable disdain the poor lay-man, who exercised the right of private judgment. He raised the old popish yelp of "Heretick! Heretick!" "Infidel!" "Enemy to God and the Church"—cited the Doctor before the Church, and shewed him the doctrine of the Trinity, plainly written—not in the Bible, (which many suppose he might readily have done, and which an unlearned man might have imagined would have been as proper) but in the Genevan church covenant, and bid him read, believe, or be reprobated.[123]

Accordingly, Calvin "compelled the magistrates of Geneva to burn the oppressed Servetus at the stake; and this peaceable, modest, inquiring, Berean, liberal christian was actually burned to death, because he would not own the Genevan church covenant and become a thorough-going Calvinist."[124]

Tyler, who was a member of the Episcopal Church (the American successor of the Church of England), did not limit his criticism of Protestant church-state collaboration to the Calvinist theocracies of Geneva and New England. The extant thirty-six pages of *The Touchstone* conclude with a discussion (ending in mid-sentence at the end of the last page) of separation of church and state, which Tyler begins by discussing the persecutory Church of England under Archbishop Laud:

> Arch-bishop Laud was a high dignitary in a church which from early infancy I have been taught to revere; but unhappily this revered church had been drawn into an unscriptural alliance with the state; and however pure may be the doctrine, ordinances and liturgy of any church, by such a connexion its lustre will fade, and its doctrine and discipline be corrupted.
>
> Whenever such a connexion is formed, however pure the doctrine and discipline of the church, and however patriotick the principles of the civil rulers, they will mutually contaminate and corrupt each other. The civil rulers will make the clergy rich, and the clergy will make the civil rulers despotick; and this despotism will be exercised for the benefit of both, in maintaining the doctrines and discipline of the church, however, corrupt, and the power of the state, however tyrannical. When the great union of church and state, in the reign of the immaculate[125]

The surviving portion of *The Touchstone* ends with the word "immaculate" in a sentence that appears to reference Christ's Second Coming as described in the New Testament book of Revelation. We can only regret that the remainder of Tyler's excellent work has been lost.

A scholar who has read widely in Tyler's writings concluded that "Royall Tyler spoke and wrote about religious liberty all his life, from the pulpit, from the bench, and from his writing desk."[126] In early 1818, Tyler reaffirmed his commitment to separation of church and state by writing in a local newspaper that "*all* upright ministers . . . will ever condemn a connexion of church and state, as an unhallowed profanation of their character and calling."[127]

Royall Tyler did not agree with Roger Williams's theology. But Tyler did agree with Williams's two great principles: liberty of

conscience and separation of church and state. As we have seen, other members of the generation that founded the United States of America also were committed to these principles, including but not limited to Thomas Jefferson and James Madison.

CHAPTER 10

The Continuing Influence and Relevance of Roger Williams

IN MEMORY OF
ROGER WILLIAMS
FORMERLY A SCHOLAR OF CHARTERHOUSE 1624
FOUNDER OF THE STATE OF RHODE ISLAND AND
THE PIONEER OF RELIGIOUS LIBERTY IN AMERICA
—
PLACED HERE BY OSCAR S. STRAUS
UNITED STATES MINISTER TO TURKEY 1899
Memorial plaque to Roger Williams in Chapel Cloister
at Sutton's Hospital (Charterhouse School), London[1]

Rhode Island and the Memory of Roger Williams

The memory of Roger Williams and a dedication to preserving his legacy of freedom of conscience and separation of church and state persisted in Rhode Island after his death. There was one notable exception. During part of the eighteenth century Rhode Island was required, as a result of its being a colony of England, not to permit Roman Catholics to vote. However, Catholics continued to enjoy complete liberty of conscience and other civil rights such as property ownership in the colony. During the

same period women and other persons not admitted to freemanship were also not allowed to vote.[2]

In 1771, the town of Providence made plans to construct a memorial to Roger Williams. The events surrounding the Revolutionary War caused those plans to be delayed, and the memorial was not actually erected until 1877.[3]

As discussed above, Rhode Island Governor Stephen Hopkins, who was deeply influenced by Roger Williams, interacted with such famous Founders as Benjamin Franklin, John Adams, Thomas Jefferson, and George Washington. Governor Hopkins was a political and scholarly mentor to Theodore Foster (1752-1828), who became Rhode Island's first U.S. senator after that state's belated ratification of the United States Constitution. Hopkins gave Foster a large quantity of Rhode Island historical materials from which Senator Foster later prepared a historical narration that prominently featured Roger Williams.[4]

James D. Knowles (1798-1838), a native of Rhode Island, became Professor of Pastoral Duties at Newton Theological Institution, a Baptist seminary outside of Boston. In 1834, Professor Knowles published the first full-length biography of Roger Williams, starting with the historical accounts of Hopkins and Backus and encompassing many other primary and secondary sources. Although the work contains a few factual statements that were later discovered to be historical inaccuracies, it was a significant contribution to Roger Williams scholarship, quoting at length many historical documents, including letters of Roger Williams, that were until then unavailable to the general public.[5] Carl Sandburg (1878-1967), the famous poet and Lincoln biographer, had Knowles's biography in his library along with eight other books on Roger Williams.[6]

Knowles was, for a time, associated with the First Baptist Church of Providence, which had been founded by Roger Williams. Later

nineteenth-century authors associated with that church also wrote about Roger Williams, including Romeo Elton, Reuben A. Guild, William Gammell, and Francis Wayland.[7] Indeed, during the nineteenth century, "Baptists embraced [Roger Williams] as a Baptist hero. Baptists came to regard the concepts of religious liberty and separation of church and state as genetically their own, and they saw Roger Williams as the fount of those ideas in America."[8]

Judge William R. Staples continued the tradition of Rhode Island governmental figures writing about their state's history. His *Annals of the Town of Providence*, published in 1843, contained lengthy discussions of the political history of Roger Williams.[9] Echoing Governor Hopkins, Judge Staples wrote:

> Mr. Williams has the honor of being the first, in modern times, to protest against the interference of the civil power with the rights of conscience. While he claimed the privilege of forming his own opinions on religious subjects, he claimed also the same right for all others, however they might differ from him.[10]

Francis Wayland (1795-1865) was the fourth president of Brown University (1827-55) and the acting pastor of the First Baptist Church of Providence from March 1857 to June 1858.[11] He was the author of many publications, including *Notes on the Principles and Practices of Baptist Churches*. In his October 28, 1856 Preface to that book, Wayland stated that "[t]he present volume contains the papers which lately have appeared in *The Examiner*, over the signature of 'Roger Williams.'" *The Examiner* was a Baptist weekly. In the body of the *Notes*, Wayland repeatedly expressed his agreement with Roger Williams regarding the principles of "absolute separation of Church and State" and "the inalienable rights of conscience . . . ."[12] Wayland criticized departures from "[t]he

doctrine of perfect liberty of conscience, and the entire separation of church from state" in both America and in Europe.[13]

Samuel G. Arnold (1821-1880) was a U.S. senator from Rhode Island from December 1, 1862 to March 4, 1863. He earlier served as lieutenant governor of Rhode Island in 1852-53 (including a stint as acting governor) and 1861-62. In 1859, Arnold published the first volume of a history of Rhode Island that again discussed Roger Williams at length.[14]

Rhode Island's recollection of Roger Williams continued into the twentieth century. Roger Williams University, a private, nonsectarian liberal arts institution, was established in Providence in 1956. The campus later moved to Bristol, Rhode Island. At the time of this writing, the University's website includes the following statement:

> Roger Williams, founder of the state of Rhode Island and Providence Plantations, was the first major figure in colonial America to argue forcefully the need for democracy, religious freedom, and for the understanding of America's native cultures. Roger Williams University has dedicated itself to principles advocated by our namesake: education, freedom and tolerance. Through his scholarship in language, theology and law, Williams' life reflected the value of learning and teaching. The University honors his legacy by modeling a community in which diverse people and diverse ideas are valued, intellectual achievement is celebrated and civic responsibility is expected.[15]

The Nineteenth-Century Career of John Leland

As discussed in Chapter 9, John Leland was a Baptist minister who repeatedly invoked Roger Williams and followed his principles of separation of church and state and liberty of conscience.

Leland and other Orange County Baptists had an important influence on James Madison and probably made possible his elections to the Virginia ratifying convention and to the House of Representatives in the first Congress. Without Leland, Madison might never have been in a political position to accomplish the adoption, in the recalcitrant first Congress, of the Bill of Rights.

Although Leland moved to Cheshire, Massachusetts, in 1792, he traveled widely on religious missions. Several months after Thomas Jefferson became president in 1801, Leland personally delivered to him a huge block of cheese (dubbed the "Mammoth Cheese") as a congratulatory present from the people of Cheshire, who remained victims of religious discrimination under the theocratic laws of Massachusetts (see Chapter 9). Leland visited Jefferson on the morning of January 1, 1802. This was the same day that Jefferson wrote his famous letter to the Danbury (Connecticut) Baptist Association praising the First Amendment as "building a wall of separation between Church & State." Jefferson's figure of speech was similar to Roger Williams's earlier reference to the importance of a "hedge or wall of Separation between the Garden of the Church and the Wilderness of the world . . . ."[16] The October 7, 1801 letter from the Danbury Baptists was not received by the Jefferson administration until December 31, 1801, and Jefferson's initial draft response was dated January 1, 1802—the very day that he met with Leland. It is not inconceivable that Leland suggested the "wall of separation" metaphor to Jefferson. Indeed, one could hypothesize a scenario in which Leland took this opportunity to discuss the ideas of Roger Williams with Jefferson, if he had not already done so in earlier discussions. Although my theory is speculative, it should be remembered that surviving written historical records are often incomplete. Historically important oral conversations often occur, even among political and

religious leaders, that are never written down and preserved. Jefferson may have purposefully avoided any explicit public reference to Williams because the latter's name was still anathema in theocratic New England except among Baptist communities and in Rhode Island, where Williams was revered.[17]

Leland thought highly of James Madison, with whom he had worked in Virginia and who was secretary of state in the Jefferson administration. In a July 4, 1805 speech, Leland stated:

> Mr. Madison is secretary of state. From a child, he has been a pattern of sobriety, study, and inflexible justice. From an intimate acquaintance with him, I feel satisfied that all the state of Massachusetts, for a bribe, would not buy a single vote of him. A saying of his is fresh in my memory. "It is ridiculous for a man to make use of underhanded means to carry a point, although he should know that the point is a good one: it would be doing evil that good might come." This saying of his, better describes the man than my pen can do.[18]

Leland continued the fight for liberty of conscience and separation of church and state throughout his life. He understood Roger Williams well and often discussed New England's long history of persecution of religious dissidents.[19] Leland's consistent position was that "[t]he notion of a Christian commonwealth, should be exploded forever . . . ."[20] He even opposed the cessation of Sunday mail delivery on the ground that it would violate these principles.[21] He himself chose the epigraph on his tombstone: "Here lies the body of the Rev. John Leland, of Cheshire, who labored 67 years to promote piety and vindicate the civil and religious rights of all men. He died January 14, 1841, aged 86 years and 8 months."[22]

Backsliding on Separation of Religion and Government

Although Thomas Jefferson and James Madison, among others, supported liberty of conscience and separation of religion and government on both the federal and state governmental levels, some others of the founding generation were not so sure. The courts did not apply the First Amendment Religion Clauses to state and local governments until well into the twentieth century. As we have seen, people were compelled in Massachusetts to support religion by taxation until 1833. During much of the nineteenth century, various judicial, political, and religious leaders claimed that Christianity was part of the common law and that the United States was a "Christian nation." Although no state, after 1833, directly supported any church or minister with tax dollars or made any particular denomination a legally established church, religious oaths remained in many states for political office holders and for witnesses in judicial proceedings, and some states retain such requirements even today. People were prosecuted for blasphemy and for the related offense of cursing. Protestantism reigned supreme, and Roman Catholics and Jews, among others, suffered legal and other discrimination. Public school children were compelled to read, or listen to readings, from the King James Version of the Bible—a Protestant translation that differed from the Catholic Bible and a practice that was anathema to Roman Catholics in the absence of real time interpretation by their priests. School children had to recite the Protestant version of the Lord's Prayer. Courts routinely held that morality was essential to public education, that Protestantism was necessary to morality, and that Protestant religious views and values could therefore be legally enforced in school settings.

Only during the last few decades of the nineteenth century were these religiously motivated legal disabilities gradually removed. However, the early twentieth century saw a conservative Protestant backlash, and some of the progress made in the

later nineteenth century was reversed. The twentieth- and early twenty-first centuries have witnessed a continuation of these "culture wars." In reaction to mid-twentieth-century Supreme Court attempts to reinstate the church-state separation views of Williams, Jefferson, and Madison, the Religious Right resurrected the nineteenth-century dogma that the United States is a Christian nation that must legislate Christian theology and morality. Non-Christians must, in this view, bow to the will of the majority—a position directly in opposition to that of the "Father of the Constitution," James Madison, not to mention Thomas Jefferson and Roger Williams. From time to time during the nineteenth and twentieth centuries, various groups actually supported constitutional amendments that would revise the Constitution to state explicitly that the United States is a Christian nation.[23]

Roger Williams in the Supreme Court

Initially, the First Amendment applied only to the federal government. As we have seen, Massachusetts, Connecticut, and some other states maintained, during the early years and decades of the new republic, some form of established state religion. Before the American Civil War, the Establishment Clause of the First Amendment was usually understood to accomplish two objectives: (1) preventing the federal government from establishing a national religion (or making any law "respecting" or furthering a national religion), and (2) preventing the federal government from interfering with state governmental establishment or disestablishment of religion.

Massachusetts and Connecticut eventually gave up their established religions, and the Civil War wrought a constitutional revolution in the United States. As a consequence of that war, the Fourteenth Amendment was ratified in 1868. The Fourteenth Amendment provided, among other things, that no **state** shall

"deprive any person of life, liberty, or property without due process of law . . . ." In 1940, the U.S. Supreme Court held that the First Amendment's Free Exercise Clause ("Congress shall make no law . . . prohibiting the free exercise" of religion) applied to the states through the Fourteenth Amendment.[24] No later than 1947, it held that the Fourteenth Amendment also incorporated the First Amendment's Establishment Clause ("Congress shall make no law respecting an establishment of religion").[25] During the twentieth century the Supreme Court applied most of the provisions of the Bill of Rights to state and local governments by way of the Fourteenth Amendment.[26]

The U.S. Supreme Court made explicit reference to Roger Williams in a number of First Amendment cases.

In *Minersville School District v. Gobitis*, 310 U.S. 586 (1940), the Court considered a case in which schoolchildren were expelled from their public schools for refusing to recite the Pledge of Allegiance. At that time, the Pledge did not contain the words "under God," which were added in 1954. The children were Jehovah's Witnesses who believed, on the ground of religion, that saluting the flag violated the scriptural command against idolatry.

Justice Frankfurter wrote the Opinion of the Court, which held that the school district could constitutionally expel the schoolchildren because the Pledge of Allegiance requirement involved permissible legislation of general scope not directed against the doctrinal loyalties of particular sects. He cited historical articles that discussed Roger Williams's support of generally applicable secular laws even when those laws conflicted with particular religious beliefs. 310 U.S. at 594 n.3. We considered these views of Roger Williams in Chapter 8. It is unclear, however, whether Williams would have approved of the flag-salute requirement in the *Gobitis* case. It is close to the type of constrained "worship" that he often criticized. But whatever he might have thought about the mandatory Pledge at issue in this case, he

probably would have had serious objections to the Pledge once the words "under God" were added to it more than a decade later. These two words converted the Pledge into an affirmation of civil religion. Williams always opposed such religious nationalism.

Justice Stone dissented from the Opinion of the Court in the *Gobitis* case, and the Supreme Court overruled that decision three years later in *West Virginia State Board of Education v. Barnette*, 319 U.S. 624 (1943). In *Barnette*, the Opinion of the Court, authored by Justice Jackson, held that "[t]he very purpose of a Bill of Rights was to withdraw certain subjects from the vicissitudes of political controversy, to place them beyond the reach of majorities and officials and to establish them as legal principles to be applied by the courts. One's right to life, liberty, and property, to free speech, a free press, freedom of worship and assembly, and other fundamental rights may not be submitted to vote; they depend on the outcome of no elections." 319 U.S. at 638. Accordingly, the Court applied the First Amendment to state and local government by way of the Fourteenth Amendment to hold that the mandatory Pledge was unconstitutional. 319 U.S. at 639, 642. None of the opinions in *Barnette* mentioned Roger Williams.

In *Engel v. Vitale*, 370 U.S. 421 (1962), the Supreme Court held that a local board of education could not order an official prayer to be said aloud by each class in the presence of a teacher at the beginning of each school day. Justice Black, writing for the Court, discussed the long history of establishment of religion and religious persecution in England and America. He praised such Founders as Thomas Jefferson and James Madison for promoting separation of church and state. Specifically, he observed that the Establishment Clause "rested on the belief that a union of government and religion tends to destroy government and to degrade religion." 370 U.S. at 431. In footnote 20 of his opinion, Black observed that Roger Williams was "one of the earliest exponents

of the doctrine of separation of church and state" and quoted from his *Bloudy Tenent*.

In *Abington School District v. Schempp*, 374 U.S. 203 (1963), the Supreme Court held that a legally required Bible reading in the public schools violated the Establishment Clause of the First Amendment, as applied to the states through the Fourteenth Amendment. In his Opinion of the Court, Justice Clark observed that "the views of Madison and Jefferson [on separation of church and state], preceded by Roger Williams, came to be incorporated not only in the Federal Constitution but likewise in those of most of our States." 374 U.S. at 214. In footnote 6 to his opinion, Justice Clark quoted from Williams's famous Ship of State letter, discussed above in Chapter 8. Similarly, Justice Brennan, in his extensive concurring opinion, cited Williams with approval. 374 U.S. at 260 & n.25.

The Supreme Court held that clergy could not give invocations or benedictions at public school graduations in *Lee v. Weisman*, 505 U.S. 577 (1992). In his concurring opinion, Justice Blackmun stated that "[t]he view that the Establishment Clause was primarily a vehicle for protecting churches was expounded initially by Roger Williams." 505 U.S. at 608 n.11. Since the First Amendment was not proposed and ratified until more than a century after his death, Roger Williams would have been hard put to originate any view about it at all. Insofar as Justice Blackmun meant to suggest that Williams was concerned only about protecting the church from the state and not the state from the church, he was repeating a common misconception. As established in previous chapters of the present book, Williams taught that separation of church and state protects both the church and the state in their proper respective roles.

In *Agostini v. Felton*, 521 U.S. 203 (1997), the Court held that a federally funded program providing supplemental, remedial instruction to disadvantaged children on a neutral basis is not

invalid under the Establishment Clause even when such instruction is given on the premises of sectarian schools by government employees, as long as the program contains certain safeguards. In dissent, Justice Souter cited Roger Williams for the dangers to religion absent sturdy fences against the wilderness of the world. 521 U.S. at 243. Although Williams did express himself to this effect, he was not, as discussed above, solely concerned about the dangers to the church but also about the dangers to the state.

The fact situations addressed in the foregoing cases were, of course, different in many respects from the factual circumstances confronting Roger Williams during his lifetime. Government and society in the twentieth and twenty-first centuries are much more complex than what Williams could perhaps even have imagined. Thus, it is not possible to predict exactly what Williams's position would have been on many of our contemporary church-state issues. Nevertheless, he recognized certain basic principles that are still relevant today, even if their exact application is not always clear. One of these principles is that the notion of civil religion is an oxymoron. To the extent that religion is associated with patriotic nationalism, it necessarily becomes a tool of the state and is thereafter merely part of the "wilderness of the world" as distinguished from the "garden of the church." Government should neither "constrain" religious belief and practice nor "restrain" people from believing and practicing their own religion. These two prongs of Williams's analysis became, respectively, the Establishment and Free Exercise Clauses of the First Amendment. Williams taught that such liberty of conscience should extend to people of all religious beliefs and to people of no religious beliefs. It was the responsibility of God (in Williams's view) to judge between right and wrong beliefs about religion. It is not the responsibility of government, which is instituted for purely secular concerns.

Roger Williams and Today

Debates have raged throughout the twentieth and early twenty-first centuries regarding the Establishment and Free Exercise Clauses of the First Amendment.

On April 2, 2013, for example, certain North Carolina state legislators proposed a bill providing that the Establishment Clause "does not apply to states, municipalities, or schools" and that "each state in the union is sovereign and may independently determine how that state may make laws respecting an establishment of religion . . . ." This bill also asserted that "the Constitution of the United States of America does not prohibit states or their subsidiaries from making laws respecting an establishment of religion" and that "[t]he North Carolina General Assembly does not recognize federal court rulings which prohibit and otherwise regulate the State of North Carolina, its public schools, or any political subdivisions of the State from making laws respecting an establishment of religion."[27]

On March 24, 2015, an Arizona state legislator stated: "Probably we should be debating a bill requiring every American to attend a church of their choice on Sunday to see if we can get back to having a moral rebirth."[28]

Although these items did not become law, the mere fact that they were proposed illustrates the continuing controversy over the issues that preoccupied Roger Williams and his contemporaries. Roger Williams would have strongly opposed these suggestions. Although he was a devout Christian, he would have emphatically rejected any notion that we are a "Christian nation," just as he opposed the use in his day of the words "Christian" and "Christendom" in a governmental context.[29] It is astonishing that, more than 330 years after the death of Roger Williams, these issues have not yet been finally settled in the court of American public opinion, even though the basic principles of separation of church and state have been settled

as a matter of constitutional law by the U.S. Supreme Court.[30] The theocratic impulse of our Puritan forebears remains strong in America, notwithstanding Roger Williams, notwithstanding Thomas Jefferson, notwithstanding James Madison, notwithstanding the First and Fourteenth Amendments, and notwithstanding many decades of First Amendment jurisprudence by the U.S. Supreme Court.

An attempt to ascertain what Roger Williams's views would be regarding the many specific Establishment Clause and Free Exercise Clause issues of our time is outside the scope of this book. Some scholars have made such an attempt.[31] To treat such matters exhaustively would require another book—a book that would, among other things, discuss the long history of judicial interpretation of the First Amendment's Religion Clauses. The purpose of the present book is rather to explain the general principles of Roger Williams's thought and the historical context in which he expounded them. Those principles remain controversial today, even in the United States.

Chapter 9 established that Roger Williams's views on liberty of conscience and separation of church and state influenced, directly or indirectly, important American leaders in the generation that obtained independence from Great Britain and established the government of the United States. Many scholars have argued that the church-state separation concepts of such Founders as Jefferson and Madison were influenced by the purely secular logic of philosophers like John Locke rather than by the obviously religious perspective of Williams. However, Appendix D demonstrates that Locke (who himself often used religious arguments) was influenced, at least indirectly, by Roger Williams on issues of liberty of conscience and separation of church and state and, indeed, that Locke did not go as far as Williams in insisting upon these principles. The facts set forth in Chapter 9 show that such American Baptist leaders as Isaac Backus and

John Leland—both explicit followers of Roger Williams—were important figures in the historical developments leading to the Establishment Clause and Free Exercise Clause of the First Amendment. In fact, it is possible that the Bill of Rights might not have been adopted had it not been for the political pressure that Leland and his fellow Baptists exerted in favor of the election of Madison to the Virginia ratifying convention and, later, to the First Congress.

As this book has demonstrated, Roger Williams adduced both religious and secular arguments for the principles of full liberty of conscience and total separation of church and state. One does not have to be a religionist to appreciate his point of view. Since the vast majority of other religious thinkers of his time arrived at exactly the opposite conclusions, one has to wonder whether Williams's arguments from scripture—which were absolutely required by the standards of seventeenth-century public debate—resulted in his humanity or whether his essential humanity dictated, consciously or subconsciously, which religious principles he adopted and publicized. For example, Williams's deeply sympathetic understanding of "heathen" Native Americans and his perception that they were, in many ways, more "Christian" than most of the explicit Christians in both Europe and America makes one pause to consider the possibility that Williams was intellectually closer to the more enlightened thinkers of our own time than many writers have deigned to admit. Indeed, as one British scholar has aptly observed,

> in its purest form—as stated in *The bloudy tenent*—the radical tolerationist argument pointed to many of the key elements of modern political liberalism: the separation of a private, voluntary church from an impartial, non-confessional state; a multi-faith society characterized by flourishing commerce and social co-operation; a profound respect for individual conscience; and a powerful humanitarian sensibility repelled by 'the bloudy tenent of persecution'. The hotter sort of Protestants, by virtue of their primitivist zeal, had reached some remarkably liberal conclusions.[32]

The study of Roger Williams has lessons for both the religionists and the secularists of our age. For religionists, Williams teaches that genuine religion can only survive and flourish in a condition of full liberty of conscience and complete separation of church and state. For secularists, Williams advises that liberty of conscience and separation of church and state do not require the defeat of religion. Whatever the merit or lack of merit of religion from a philosophical or scientific perspective (an issue that will certainly not end, at least in the United States, anytime soon), both religionists and secularists require, as a political condition of their well-being, that government neither favor nor oppose religion. Contrary to the view of some commentators even in our own time, the struggle for complete religious freedom and total separation of church and state is not reducible to a battle between religion and secularism. Williams, Jefferson, Madison, and other important thinkers all recognized this fundamental truth, and we should be similarly guided in our public discourse and governmental action.

APPENDIX A

Sir Edward Coke (1552-1634)

An accomplished English lawyer and legal scholar, Edward Coke was appointed by Queen Elizabeth I to the positions of Solicitor General of England (1592), Speaker of the House of Commons (1593), and Attorney General (1594). As Attorney General, he represented the crown in criminal prosecutions, including the famous treason trials of Dr. Roderigo Lopez and the Earl of Essex. After James I became king in 1603, Coke also prosecuted Sir Walter Raleigh and the Gunpowder Plot defendants for treason. Although treason was a capital offense, most of the due process and evidentiary protections later embodied in the U.S. Constitution and Bill of Rights did not exist at that time, and Coke was merciless and sometimes unscrupulous in obtaining convictions against Lopez, Essex, Raleigh, and others.[1]

Coke was knighted by King James I and was thereafter known as Sir Edward Coke. In recognition of his superlative legal abilities and service to the crown, James appointed him chief justice of the Court of Common Pleas in 1606.[2] From the moment he became a judge, however, Coke appeared to be a changed man, frequently challenging rather than defending the prerogatives of the crown.[3]

The concept of royal prerogative—the supposed power of the monarch that could not be constrained by Parliament or the courts—was strongly developed by Elizabeth I and her Tudor

predecessors.[4] England had long had a system of ecclesiastical courts, which adjudicated matters such as family law, probate, defamation, and other matters not included in the jurisdictions of the Courts of Common Pleas and the King's Bench. Elizabeth I established the Court of High Commission, which was designed to be the highest court in the ecclesiastical judicial system.[5] In the words of philosopher and historian David Hume, "The court of High Commission was another jurisdiction still more terrible [than the Star Chamber]; both because the crime of heresy, of which it took cognizance, was more undefinable than any civil offence, and because its methods of inquisition and of administering oaths, were more contrary to all the most simple ideas of justice and equity."[6] "The commissioners . . . were directed to make enquiry, not only by the legal methods of juries and witnesses, but by all other means and ways, which they could devise; that is, by the rack, by torture, by inquisition, by imprisonment."[7]

The High Commission was concerned with the perceived heresies of Roman Catholicism and Puritanism. Roman Catholics were seen as enemies of the State in view of the several Catholic plots—often in cooperation with the Spanish government—to assassinate Elizabeth I (and, later, James I) and restore Catholicism as the officially recognized religion. The High Commission and the lower ecclesiastical courts also persecuted Puritans, who objected to many of the practices of the governmentally established Church of England. About the time that James I became king, the High Commission began expanding its jurisdiction to include matters that had, at least in part, historically belonged to the jurisdiction of the Court of Common Pleas.[8]

As chief justice of Common Pleas, Coke objected to the High Commission's expansion of jurisdiction and its impositions of fines and imprisonments (for which Coke claimed the High Commission had no jurisdiction). In opposition to the ecclesiastical courts' practices, he wrote that "[n]o man . . . shall be

examined upon secret thoughts of his heart or of his secret opinion . . . ."[9] He took issue with several of the High Commission's procedures, which were even more threatening to defendants than the then-weak criminal law protections of the other courts of the realm. Coke used his position as chief justice of Common Pleas to issue writs of prohibition against the High Commission, forbidding intrusion on matters he considered within the jurisdiction of Common Pleas.[10]

James I strongly supported the ecclesiastical hierarchy, famously stating, at the 1604 Hampton Court Conference, "No Bishop, No King."[11] He had earlier written that a king was ordained by God to be a "little God to sit on his Throne and rule over other men."[12]

In November of 1607, James summoned Coke as well as Archbishop of Canterbury Richard Bancroft (next to James, the head of the Church of England) and others to discuss the ongoing battle between the Court of Common Pleas and the High Commission.[13] At this conference Archbishop Bancroft, citing scripture, supported an argument that the king could take cases from the courts and decide them himself. Coke responded that the king could not, under well-established English law, decide any criminal or civil case. The king replied that he thought the law was founded on reason and that he and others had reason as well as judges. Coke disagreed, saying that special legal training was required to adjudicate litigation. Coke additionally remarked that the law protected the king in safety and peace. James was greatly offended by this comment, saying (in Coke's account of the discussion) that "then he should be under the Law, which was Treason to affirm . . . ." At this point, Coke was in grave danger of being imprisoned for his contrarian opinions. Coke responded with a quotation in Latin from Justice Bracton (1210-68) that "the king ought not to be under any man, but under God and the Law."[14]

Thus began one of the greatest constitutional conflicts in English history. James adhered to the divine right theory of kings, whereby the king was appointed by God and accordingly had absolute power. Coke and others opposed this notion, arguing that the king, like everyone else, was subject to the statutory law enacted by Parliament and the common law articulated in centuries of judicial opinions.

In 1610, Coke, as chief justice of Common Pleas, was summoned to respond to certain of the king's high officials concerning questions whether "the King by his Proclamation may prohibit new Buildings in and about London" and whether "the King may prohibit the making of Starch of Wheat . . . ." Coke responded that "the King cannot change any part of the Common Law, nor create any Offence by his Proclamation, which was not an Offence before, without Parliament."[15]

Coke spent the remainder of his life attempting to uphold the rule of law against the views of James I and Charles I that the monarch was above the law and had absolute power. However, Coke also taught that there were limits to parliamentary legislation. His most famous judicial opinion, *Dr. Bonham's Case*,[16] was rendered the same year as his pronouncement on the limitations of royal proclamations. In that case, Coke held that "when an Act of Parliament is against Common right and reason, or repugnant, or impossible to be performed, the Common Law will control it, and adjudge such Act to be void . . . ."[17] More than three centuries later, Sir Winston Churchill observed that "Coke's claim that the fundamental law of custom and tradition could not be overbourne, even by Crown and Parliament together, and his dream of judges in a Supreme Court of Common Law declaring what was or what was not legal, had been extinguished in England for ever" by the mid-seventeenth-century English Civil Wars, in which "the idea had emerged that an Act of Parliament was the final authority." Although the doctrine of parliamentary supremacy became

established in Great Britain, Coke's concept of what we now call judicial review "survived . . . across the ocean, one day to emerge in an American revolution directed against both Parliament and Crown."[18] It received its classic American formulation in Chief Justice John Marshall's Opinion of the Court in the U.S. Supreme Court case of *Marbury v. Madison*, 5 U.S. 137 (1803). In concluding that "the particular phraseology of the constitution of the United States confirms and strengthens the principle, supposed to be essential to all written constitutions, that a law repugnant to the constitution is void," Chief Justice Marshall echoed and developed the logic of Alexander Hamilton in *The Federalist* No. 78 (1788).[19]

In 1613, in an attempt to repress Coke's expression of disfavored opinion, James I "promoted" him to the position of chief justice of the King's Bench and made him a member of the king's Privy Council (an advisory body to the monarch). As chief justice of King's Bench, Coke would have fewer opportunities to expound views that the king found objectionable. Nevertheless, in 1616, after further conflicts with James regarding the prerogative, the king dismissed Coke from the Privy Council and from his position as chief justice of King's Bench. After complicated political developments, Coke regained James's temporary favor and rejoined the Privy Council in 1617.

Coke was elected to the House of Commons for the session beginning in January 1621. After Coke supported, against James's opposition, free speech for members of the House, James dissolved Parliament. On December 27, 1621, James ordered Coke to be committed to the Tower of London,[20] where he languished for several months before being freed. Although Coke was again dismissed from the Privy Council, he resumed his position in the Privy Council as well as a seat in Parliament in 1624.

James I died on March 27, 1625, and his son, Charles I, succeeded him as king. In 1628 Coke again became a member of

the House of Commons. In that year Coke and his colleagues in Parliament took actions that made his name and that session of Parliament immortal.

Charles I desperately needed money to finance an impending war with France. For centuries, one of the bedrock principles of the unwritten English constitution was that the monarch could impose taxes only by the concurrence of Parliament. Although this principle was often observed in the breach, the Parliament of 1628 was determined to insist upon it. Charles had resorted to several practices that were inconsistent with traditional English liberties going back to Magna Carta (1215). Royal agents required individuals to make forced loans to the crown. Many who refused were imprisoned without charge. Their applications for writs of habeas corpus were denied by the king's judges. Householders were required to quarter soldiers and mariners. The crown imposed martial law even though the courts were open. Coke prepared a Petition of Right that prohibited all of these offensive practices. After much discussion, both the House of Commons and the House of Lords approved the Petition, and it was presented to King Charles. As a result of his need to have Parliament authorize taxation, Charles accepted the Petition of Right on June 7, 1628, without any qualifications. This Petition became, along with Magna Carta (1215) and the later Bill of Rights (1689), one of the most important documents in English constitutional law.[21]

APPENDIX B

Theocracy in Seventeenth-Century New England and Sixteenth-Century Geneva

Was Massachusetts Bay a Theocracy?

The history of Roger Williams in America is the story of two opposed types of political orders: the theocracy of Massachusetts Bay, which was dominated and controlled by orthodox Puritan religious and political figures, and the polity founded by Roger Williams in Providence (later extended to Rhode Island generally), which was based on complete liberty of conscience and a total separation of church and state. Historians have long recognized this dichotomy, including the characterization of Massachusetts Bay as a theocracy.[1]

The Massachusetts Bay regime mercilessly persecuted those who manifested religious views and practices different from its officially established religion. Quakers were banished, imprisoned without food, mutilated, branded, severely flogged (women as well as men often being forced to walk from town to town, stripped to their waists, while being brutally whipped hundreds of times, sometimes resulting in death), and hanged. Baptists were fined, imprisoned, whipped, and banished. Anne Hutchinson and others who expressed disagreement with the established religion were banished. Roger Williams was banished for communicating opposition to the government's promulgation and enforcement

of religious laws and for expressing other views related to his religious beliefs.[2]

Notwithstanding these brutal historical facts, many commentators have denied that Massachusetts Bay was a theocracy. They have argued that a theocracy exists only when the religious clergy are the official rulers. Thus, Charles M. Andrews argued that "Massachusetts was not a theocracy, as it has far too often been called, for the influence of the clergy was entirely unofficial and without the sanction of law."[3] Among other things, this parsimonious definition ignores the fact, well-known to political scientists, that actual political control of a society may differ from the formal political control set down in the society's written constitution.[4]

For example, the former Soviet Union would have been considered a democratic republic elected by the people with full recognition of individual rights if one consulted only its written constitution. Such constitutional protections were, on paper, in effect during and after some of the worst years of Joseph Stalin's tyranny, including Stalin's mass arrests, show trials, and executions of officials, military officers, and peasants. The Communist Party (under the personal dictatorship of Stalin after the consolidation of his power) controlled the Soviet regime in reality, notwithstanding the rights trumpeted in its written constitution.[5]

Similarly, the religious ministers in Massachusetts Bay controlled or substantially influenced the civil magistrates. John Cotton, the most authoritative cleric in Massachusetts Bay, was "the mouthpiece of the Massachusetts theocracy"[6] and "the principal spokesman for the New England way . . . ."[7] Another minister, Thomas Hooker, was also very influential in the early years of the colony before he left and founded another colony in Connecticut. According to seventeenth-century Puritan historian William Hubbard, "such was the authority they (especially Mr. Cotton) had in the hearts of the people, that whatever he

delivered in the pulpit was soon put into an Order of Court, if of a civil, or set up as a practice in the church, if of an ecclesiastical concernment."[8] Massachusetts Bay Governor John Winthrop "relied heavily on the opinions and advice of the Puritan ministers he most respected."[9] The Massachusetts Bay government routinely consulted and normally followed the advice of the colony's religious ministers, especially but not exclusively on the vast range of religious matters that were subject to governmental enforcement and regulation.[10] A nineteenth-century historian accurately concluded:

> By law the civil government was distinct from the ecclesiastical, but in fact it was strictly subordinate to it. Owing to their moral influence, the pastors and elders formed a sort of Council of Ephors; no important decision was arrived at without their consent. They spoke in the name of the Divine Will revealed in the Bible, and their sentence could only be appealed against by calling in question their interpretation.[11]

The General Court was the supreme governmental authority in Massachusetts Bay, holding all ultimate legislative, executive, and judicial powers. On May 25, 1636, the General Court appointed John Cotton and others to a committee "to make a draught of laws agreeable to the word of God, which may be the ffundamentalls of this commonwealth . . . ."[12] Pending the preparation and adoption of this code, the General Court ordered legal actions to be heard and determined "according to the laws now established, & where there is noe law, then as neere the lawe of God as they can; . . . ."[13] The resulting draft of a legal code was mainly the work product of John Cotton, but Cotton's draft was not acceptable to the General Court, perhaps because he was not a lawyer.[14] Instead, a legal code drafted by Nathaniel Ward, who

had significant experience both as a minister and as a lawyer, was finally adopted in 1641. This code incorporated the strong theocratic principles of the Massachusetts Bay experiment.[15] Ward was a fierce enemy of religious toleration.[16]

"Theocracy" was not a dirty word for the Massachusetts Bay Puritans. In fact, John Cotton explicitly advocated theocracy:

> It is better that the commonwealth be fashioned to the setting forth of Gods house, which is his church: than to accommodate the church frame to the civill state. Democracy, I do not conceyve that ever God did ordeyne as a fit government eyther for church or commonwealth. If the people be governors, who shall be governed? As for monarchy, and aristocracy, they are both of them clearely approved, and directed in scripture, yet so as referreth the soveraigntie to himself, and setteth up Theocracy in both, as the best forme of government in the commonwealth, as well as in the church.[17]

The influence of the ministers became even more pronounced as a result of the evolution of a theocratic constitution for Massachusetts Bay.

The March 4, 1629 royal Charter of the Massachusetts Bay Company provided that the members of that company, called "freemen" (the stockholders), had the right to make laws for the company and colony in four quarterly "General Court" sessions. The freemen would also annually elect a governor, deputy governor, and eighteen assistants, which would meet monthly to administer the government of the company and colony.[18]

During the year after the June 1630 arrival of Massachusetts Bay Governor Winthrop and the first massive wave of Puritan immigrants, certain changes were made in the colony's governmental structure. To reflect and implement the religious "covenant"

with God at the heart of the regime, the term "freemen" was now defined to mean those male settlers who were also church members. Although everyone was required to attend church services, only a minority of the population were church members who were entitled to take Communion and now, if male, to vote and hold public office. The newly defined freemen were initially empowered only to elect the assistants (the assistants would elect the governor and deputy governor). In 1632, however, the freeman acquired the right to elect the governor and deputy governor. By mid-1634, the freemen (male church members) were authorized to elect "deputies" to represent and vote for them in the General Court, which had sole legislative powers.[19]

In the meantime, a critical requirement was being added for church membership (and thus for freemanship). Calvinism in general, and Puritanism in particular, adhered to a theological doctrine of double predestination: God preordained, before each person's birth, whether that person was going to go to heaven or to hell. The "invisible church"—known only to God—was the church composed only of the "saints" who were predestined for salvation. The Massachusetts Bay Puritans, under the leadership of John Cotton, now required any applicant for church membership to prove that he or she was one of the elect—one of the persons chosen by God for salvation. An elaborate test was designed to ensure, as much as humanly possible, that the "visible saints" who were to be approved for church membership were identical to the "invisible saints" predestined by God for salvation. The decision as to who was a "visible saint" eligible for church membership was made by the preexisting membership of each church, as guided and influenced by their ministers. This new system was in place by 1636.[20]

The result of these constitutional changes was the transformation of "the republican government of the charter into a sort of religious soviet."[21] "The question before the churches was no longer

one of approximating the make-up of the invisible Church; it was one of controlling the Massachusetts electorate."[22] In the event, the freemen composed of the "visible saints" proved to be even stricter than Governor Winthrop (who could hardly be called indulgent) on the issue of religious conformity. They were easily influenced by the ministers, who, of course, had a religious agenda. The freemen voted Governor Winthrop out of office at crucial times and replaced him with men, for example Thomas Dudley and John Haynes, who had attacked Winthrop for being too lenient in dealing with religious nonconformity.[23] Dudley, in particular, was quite hostile to Roger Williams and clearly prejudged his case.[24] When Dudley died in 1653, a kind of poetic epitaph of his own composition was found in his pocket. It concluded:

> Let men of God in courts and churches watch
> O'er such as do a *toleration* hatch,
> Lest that ill Egg bring forth a Cockatrice,
> To poison all with Heresie and Vice.
> If Men be left, and otherwise Combine,
> My Epitaph's, I Dyd no Libertine.[25]

John Cotton strongly favored rule of the "saints" by limiting suffrage to male church members. When his good friend John Davenport was planning the new colony that became New Haven, the question was raised whether only church members should vote in civil elections. Cotton wrote a long letter/essay giving a resounding affirmative to that question. Davenport took that manuscript with him when he led a company in the spring of 1638 to the area that became the colony of New Haven. The colony not only accepted Cotton's arguments for limiting the franchise to church members but also adopted Cotton's theocratic legal code. When, pursuant to Connecticut's 1662 charter granted by King Charles II, Connecticut later absorbed New Haven, some

New Haven residents decided to relocate because they disliked Connecticut's somewhat more tolerant stance toward dissenters from Puritan orthodoxy. To provide guidance for those leaving New Haven, Davenport had the Cotton manuscript published in 1663 under the title *A Discourse about Civil Government Whose* Design *is Religion*. Cotton himself was not involved in this publication, as he had died in 1652. Although Cotton's grandson, Cotton Mather (born in 1663), later claimed that this document had been written by Davenport, not Cotton, the contents and historical circumstances show clearly that Cotton was its author.[26]

Cotton's *Discourse about Civil Government* was one of the clearest and most explicit arguments for Puritan theocracy that has ever been published, exceeding perhaps even his arguments against Roger Williams. Cotton concluded that "Theocratie, *or to make the Lord God our Governour* [marginal scriptural citations omitted] *is the best Form of Government in a Christian Common-wealth, and which men that are free to chuse (as in new Plantations they are) ought to establish.*"[27]

Theocracy was triumphant in both New Haven and Massachusetts. More than two centuries later, Brooks Adams observed:

> In estimating the energy of a social force, such as ecclesiasticism, the indirect are often more striking than the direct manifestations of power, and this is eminently true of Massachusetts; for, notwithstanding her ministers had always been astute and indefatigable politicians, their greatest triumphs were invariably won by some layman whose mind they had moulded and whom they put forward as their champion. From John Winthrop, who was the first, an almost unbroken line of these redoubtable partisans stretched down to the Revolution, where it ended with him [Samuel Adams] who is perhaps the most celebrated of all.[28]

Thus, one of the central questions of political science—who ultimately controls the political order—is answered in the case of Massachusetts Bay by the observation that "[t]he government was in fact in the hands of a small oligarchy of saints, who were, in their turn, ruled by their priests . . . ."[29] These male church members, probably about one-fifth of the total population of the colony,[30] were the only persons allowed to vote and to hold political office. It is accordingly no wonder that the preeminent twentieth-century historian of seventeenth-century New England Puritanism did not hesitate to refer to Massachusetts Bay as a "theocracy."[31]

At the end of the nineteenth century the great European historian Charles Borgeaud pronounced an eloquent epitaph on seventeenth-century Massachusetts Bay: "Thus was founded the theocratic Commonwealth of Massachusetts, with none like it to be found in history, except the Republic of Calvin; like it, brave, austere, but intolerant of inquiry, persecuting heresy without pity, and without mercy."[32] The Massachusetts Bay theocracy was to live on, in somewhat attenuated form, throughout the eighteenth and the beginning of the nineteenth centuries. It substantially expired, "not with a bang, but a whimper,"[33] in 1833.[34]

Theocracy in Theory and Practice: Calvin and Massachusetts Bay

The Massachusetts Bay Puritans modeled their government after the writings and practices of Reformation leader John Calvin. Calvin's sixteenth-century theocracy in Geneva was an inspiration to Calvinists throughout Europe. This influence bore fruit in the New World in the seventeenth-century establishment of the Massachusetts Bay theocracy.[35]

A distinguished scholar has provided the following definition of "theocracy" with reference to the Calvin-dominated sixteenth-century city republic of Geneva:

> Calvin's Geneva was indeed a theocracy. This does not imply that she was governed by her clergy; it means rather that Geneva was in theory governed by God through a balance of spiritual and secular powers, through clergy and magistrates acting in harmony. In the sixteenth century, the intimate association of the ecclesiastical and the secular government of a community was generally assumed to be both natural and desirable.[36]

This definition of theocracy reflects the reality of how Geneva was actually governed in the heyday of John Calvin's ascendency. The following discussion explains how the governments of both sixteenth-century Geneva and seventeenth-century Massachusetts Bay enforced religious doctrine and practice in their respective political societies, including but not limited to executions of persons who disagreed with their official religious dogmas.

John Calvin, who was born in the generation after Martin Luther, was, after Luther, the most significant figure of the Protestant Reformation. His magnum opus, *The Institutes of the Christian Religion*, has been, for more than four centuries, one of the most important texts of Protestantism. In that work Calvin elaborated upon the doctrine of predestination, a view that Luther also accepted.[37] Calvin defined predestination as "the eternal decree of God, by which he determined with himself whatever he wished to happen with regard to every man. All are not created on equal terms, but some are preordained to eternal life, others to eternal damnation . . . ." Accordingly, "as each has been created for one or other of these ends, we say that he has been predestined to life or death."[38]

Predestination was something of an obsession for the Massachusetts Bay Puritans. As discussed earlier, an applicant for church membership had to demonstrate that he or she was a "visible saint"—one of God's elect—before being admitted to church

membership and thereby (if male) acquiring the right to vote for governmental officials and hold public office. Disagreements concerning predestination and related doctrines resulted in the colony's banishment of Anne Hutchinson and others who dissented from the exact position of the Massachusetts Bay rulers and clergy on these arcane theological issues.[39]

That someone could be banished from a political community on the basis of one's theological beliefs seems strange to twenty-first-century Americans. But Calvin taught, following literally the books of the Jewish scriptures (the Christian "Old Testament"), that government should enforce the "First Table" of the Ten Commandments.[40] That table involved purely theological matters such as not having any other gods before the God specified in the biblical writings of Exodus and Deuteronomy, not making and worshipping carved images, not taking the name of God in vain, and remembering the Sabbath day to keep it holy.[41] Although Roger Williams did not have any disputes with the Massachusetts Bay government regarding predestination,[42] he did, as this book demonstrates, emphatically disagree with that colony regarding the issue of governmental enforcement of the First Table—a disagreement that, along with some other issues, led to his own banishment two years before Anne Hutchinson was expelled from the community.

Calvin was a religious minister in Geneva in 1536-38 and then its official chief religious minister from 1541 until his death in 1564. Historian William G. Naphy has written the definitive account of how Calvin and his clerical and secular allies maneuvered over a period of many years to create a strong theocratic regime in Geneva. Naphy supported his historical analysis with extensive citations to the original, still-existing sixteenth-century Genevan governmental records.[43]

When Calvin first arrived in Geneva in 1536, that city had recently obtained its independence from the Duke of Savoy and

had ousted its Roman Catholic bishop in favor of a Protestant religious establishment. Geneva was a republic, with the electoral franchise extended to up to eighty percent of the adult male population. Having a population of about 10,000, the city also controlled a larger territory consisting of smaller towns and adjacent rural areas.[44]

Although Geneva, like most European governments at the time, had some mixture of church and state even before Calvin arrived, Calvin and his allies gradually remade the Genevan government in Calvin's own image so that dissent from his specific theological doctrines became punishable by the criminal law.[45] In contrast to the political arrangements in neighboring Swiss city republics, Calvin and his Consistory (a mixed governmental-religious inquisitorial and quasi-judicial system dominated by Calvin), rather than the Genevan secular government, essentially obtained actual control over all governmental enforcement of religion.[46]

Calvin arrived in Geneva shortly after its government had changed its ecclesiastical government from Roman Catholic to Protestant.[47] He and his coreligionist, Guillaume Farel, prepared and presented a written Confession of Faith containing Protestant doctrines, which the government approved.[48] In 1538, as a result of a factional dispute, Calvin and Farel were dismissed as ministers, and they departed for Strasbourg and Zurich, respectively.[49] After another political change, Calvin returned to Geneva in 1541, became its chief religious minister, and obtained the governmental enactment of a set of detailed ecclesiastical ordinances.[50] During Calvin's absence, the Genevan government had made all religious ministers salaried governmental employees.[51] As chief minister, Calvin was now an important public official.

During Calvin's tenure as chief minister, Geneva prosecuted individuals for blasphemy, Roman Catholic views, Anabaptist

views, verbal attacks on ministers, and other religious violations.[52] The Consistory was involved in enforcing attendance at sermons and religious conformity, among other things. It acquired, de facto, the power of excommunication and recommended prosecution of various religious and moral offenses to the appropriate governmental body.[53]

In 1552, the Genevan government decreed that Calvin's great work, *The Institutes of the Christian Religion*, was "the holy doctrine of God" and that "no person shall hereafter dare to speak against the said book, or the said doctrine."[54]

Calvin's teaching that government must enforce the First Table of the Ten Commandments included the imposition of death sentences on heretics.[55] Having secured the 1552 decree adopting his specific doctrines as government-approved dogma, Calvin obtained the prosecution and execution of Michael Servetus for blasphemy and heresy in 1553. Calvin was responsible for instigating the prosecution, and he played an important role at Servetus's trial, accusing Servetus of blasphemy and heresy on many grounds. Servetus was ultimately convicted of blasphemy/heresy with regard to his heterodox views on the Trinity and baptism. Although Calvin requested an alternative method of execution, the Genevan government ordered the traditional punishment for heresy: burning at the stake. In fact, the torture was exacerbated by the use of green wood in the burning.[56]

Some commentators have attempted to downplay Calvin's role in the arrest, trial, and execution of Servetus.[57] But Calvin's own statements prove that he was heavily involved. Calvin wrote that when he learned that Servetus "had been recognized [in Geneva], I thought that he should be detained. My friend Nicholas summoned him on a capital charge . . . . I hope that sentence of death will at least be passed upon him; but I desire that the severity of the punishment may be mitigated."[58] In another letter, Calvin wrote:

> [Servetus] at length, in an evil hour, came to [Geneva], when, at my instigation, one of the Syndics [executive governmental officials] ordered him to be conducted to prison. For I do not disguise it, that I considered it my duty to put a check, so far as I could, upon this most obstinate and ungovernable man, that his contagion might not spread further. . . . [T]here is some ground for restraining the impious from uttering whatever blasphemies they please with impunity, when there is an opportunity of checking it.[59]

A few months earlier, Calvin had also been instrumental in obtaining the prosecution and conviction of Servetus by the Roman Catholic Inquisition in France; Servetus avoided execution in France only by escaping from his jailers.[60]

Almost two centuries later, Thomas Jefferson condemned Calvin's involvement in the trial and execution of Servetus.[61]

Geneva also tortured and executed Jacques Gruet for his religious views and his criticism of Calvin.[62] Penalties short of death were common in Geneva for some religious violations. Calvin obtained the banishment of Jerome Bolsec for publicly opposing Calvin's views on predestination.[63] Another opponent of predestination, Pierre Ameaux, "was forced to parade through the city dressed only in a shirt, carrying a torch. He had to kneel and kiss the ground in front of the main church and beg mercy from God, Calvin, and the magistrates in a loud voice."[64] Still another opponent of Calvin's predestination doctrine was expelled from the city after being whipped.[65]

Although Massachusetts Bay may have departed in some minor particulars from Calvin's exact theology,[66] it agreed wholeheartedly with him that government should prosecute heretics. John Cotton, its principal divine, supported such persecution by citing the example of Calvin in Geneva: "*Calvins* judgment is well

knowne, who procured the death of *Michael Servetus* for pertinacie in *Heresie*, and defended his fact by a Book written of that Argument."[67] As mentioned above, four Quakers were hanged in Boston in 1659-61 when they returned to the Massachusetts Bay colony after being banished for their religion.[68] Earlier, in 1651, Massachusetts Bay had prosecuted and fined four Baptists for practicing their religion. The government whipped one of these Baptists with thirty lashes, utilizing a three-corded whip.[69]

These events proceeded according to Massachusetts Bay law. The Massachusetts Bay legal code embodied the principles of a theocratic dictatorship.[70] It provided that any new church must be approved by "three or more magistrates dwelling next"; that "[t]he civil authority here established, hath power and liberty to see the peace, ordinances and rules of Christ be observed in every church, according to his word"; that "it is the duty of the christian magistrate to take care the people be fed with wholesome and sound doctrine"; that anyone not attending church on Sundays and official religious holidays, whether church members or not, shall be fined; that the inhabitants be taxed for the maintenance of ministers; that a church is defined as "such as are in full communion only" (the visible saints); that no one may erect or make use of a house of worship without the consent of the freemen of the town or the order of the General Court; that heretics (including those denying Puritan religious doctrines or those denying the authority of civil magistrates "to punish the outward breaches of the first table") shall be banished, fined, whipped, or put to death, depending on the circumstances; that no one shall bring Quakers into the colony or harbor them within the colony; that Quakers shall be imprisoned and tried before the Court of Assistants and, upon being convicted of being a Quaker, shall be sentenced to banishment upon pain of death; that a Quaker returning after being thrice so convicted and banished "shall be branded with the letter R. on their left shoulder, and be severely

whipt" and again banished; that a Quaker nevertheless returning yet again shall be punished by death; and that any Jesuit found within the colony shall be banished and, if "taken the second time within this jurisdiction, upon lawful trial and conviction, he shall be put to death."[71]

The Massachusetts Bay Puritans brought the "exceptionalism" meme with them to America. The English Puritans had frequently used the city-upon-a-hill reference in scripture to apply to their religious communities in England. They meant that they had the true understanding of the Bible, and everyone else had a false concept. They believed that God would punish England for persisting in its incorrect religious beliefs and practices. The Puritans who emigrated to Massachusetts Bay considered themselves to be the literal successors of Israel as the chosen people of God. As such, the Puritan communities had a special "covenant" with God. Just as with ancient Israel, God would punish them if they did not hold up their part of the covenant. In order to avert God's wrath, it was the duty of their new government to banish and otherwise punish heretics and dissenters. This is one of the things that John Winthrop, the first governor of Massachusetts Bay, meant when he spoke of their settlement in New England as being a "city upon the hill." Winthrop and his Puritans did not move to America to establish religious freedom for all. Rather, they intended to establish religious freedom only for what they regarded as the true religion—their own—and to deny it to everyone else. Accordingly, there is a direct line from Calvin in Geneva to the Puritans in Massachusetts Bay in their advocacy and practice of persecuting those who held religious beliefs different from their own.[72]

Theocracy in Plymouth, Connecticut, and New Haven

As a noted twentieth-century New England historian observed, "in doctrinal theology, all Puritans were what we call 'Calvinists' . . . ."[73]

Although the Plymouth Separatists insisted on being independent from the Church of England, they followed English governmental practices in legislating mandatory church attendance and forbidding and punishing heresy (defined as any religious view other than their own).[74]

The breakaway colony established by Thomas Hooker and his associates in Connecticut was also theocratic.[75] The originally separate settlement in New Haven was, before its merger with Connecticut, strictly based on the Massachusetts Bay theocratic system, including limiting voting rights and political offices to church members.[76]

APPENDIX C

Land Distribution and Freemanship in Seventeenth-Century Providence

Land distribution in Providence was similar in some respects and different in others from the systems employed in Massachusetts Bay and other New England colonies or settlements.

In contrast to Virginia, where land grants were made to individual shareholders or settlers, the New England colonial legislatures generally granted large parcels of land to groups of settlers, known as "proprietors" or "commoners." Each group of proprietors would then found a particular town, initially holding all the land in common and being responsible for laying out the town and providing basic infrastructure (for example, roads, highways, and mills) for it. In current American land use parlance, we would call such a group a "developer," though the seventeenth-century version had fewer responsibilities and more rights than present-day developers. The nature of the distribution of the land from the proprietors to individuals would depend on the regions in England from which the settlers originated. When the settlers were accustomed to open-field systems (land held in common by peasant farmers under manorial control) in England, they tended to adopt a similar common-land system in their New England settlements except that only the "commoners" or proprietors normally had rights to the common land. When, in contrast, the settlers came from regions in England that used closed-field systems,

they became individual owners of parcels of land. As one scholar has observed, "In the long run, it was this latter conception of land—as private commodity rather than public commons—that came to typify New England towns."[1]

The proprietors or commoners controlled land distribution in each town, but they were theoretically distinct from the freemen who controlled the government. In the early history of the towns, the proprietors and the freemen were usually the same people, and the proprietary and town meetings were often merged. Later, when the number of freemen exceeded the number of proprietors, the meetings became distinct. Conflicts developed between the proprietors and the freemen (and residents who were neither proprietors nor freemen) over land issues. Proprietors would attempt to alleviate these disputes by admitting newcomers to the proprietorship or by granting parcels of land without proprietary rights to them.[2]

The procedure for distribution of land in Providence was somewhat different from that in Massachusetts and other New England colonies. Providence and the other Narragansett Bay settlements did not obtain a patent or charter from the English government until 1644. Unlike the local settlements in Massachusetts Bay, they had no supervening colonial government until after the 1644 charter was implemented. As discussed earlier, Roger Williams believed that the only legitimate title to land was that obtained by voluntary gift or purchase from the Native Americans. Accordingly, the English Americans' right to land in the Providence area derived solely from Williams's transactions with the Narragansett sachems and not by any grant from the English king or Parliament mediated through a colonial legislature.[3]

By August 25, 1636, Roger Williams had agreed with the other Providence enfranchised householders that each of them would each pay thirty shillings into a public stock for the land Williams

had acquired from the Narragansetts. The original number of enfranchised householders receiving such rights may have been six (including Williams); the total number was thirteen (including Williams) when a subsequent distribution was memorialized in writing on October 8, 1638. Williams was to receive the first thirty pounds of this public stock as a compensation for his negotiations with and payments to the Narragansetts for the land. Williams later acknowledged receiving the thirty pounds due to him.[4]

By October 8, 1638, similar arrangements had also been made regarding the land that became the town of Pawtuxet, located south of Providence (see Maps 3 and 4). Williams received a cow and "then deer" from the same twelve other householders for his expenses and efforts in obtaining the Pawtuxet land from the Narragansetts.[5]

These transactions may not have been committed to writing until October 8, 1638 (though an earlier writing or writings may have been lost). That is the date assigned to Williams's written agreements for transfer of the Providence and Pawtuxet parcels to "my Lo[ving] ffriends & neighbors" Stuckley Westcott, William Arnold, Thomas James, Robert Cole, John Greene, John Throckmorton, William Harris, William Carpenter, Thomas Olney, Francis Weston, Richard Waterman, and Ezekiel Holliman. These twelve householders, along with Roger Williams, constituted the "13 persons being now Incorporated together in our Towne of providence . . . ." These thirteen freemen along with "such others as the Major part of us shall admitt into the same ffeloshipp of Voate with us" constituted the governing group in Providence. None of these thirteen enfranchised householders was a signatory to the nonfreemen subscription. Thus, Providence was not originally a democracy, as some have thought, but rather a kind of oligarchy.[6]

Williams wrote later that he was initially reluctant to part with the land he had acquired from the Narragansetts, but William

Harris, "Pretending Religion, wearied me with desires that I would admit him and others into fellowship of my Purchase. I yielded and agreed that the place should be for such as were destitute (especially for Conscience) and that Each Person so admitted should pay 30 [shillings] . . . toward a Towne stock and my self should have 30 [pounds] toward my charges . . . ." Williams also parted with Pawtuxet "as a small Addition to Providence" as "these W[illiam] Har[ris] first 12 of Providence were restles for Pawtuxet also," and Williams agreed to relinquish that land "upon the same tearms viz: for the supply of the Destitute and I had a Cow of them (then deer)."[7]

Williams, however, had a definite purpose in granting this land to the "inhabitants": "When these 12 men (out of Pretence of Conscience and my desire of Peace) had gotten the Power out of my hand Yet they still yielded to my grand desire of propagating a Publike Interest, and confest themselves but as Feoffees [trustees]." Williams considered that all the many scores who were received afterward paid their thirty shillings "not to the Purchasers (so call'd) as Proprietours but as Feffees, for a Towne stock" and the newcomers must not think "that they bought and Sold the right to all the Lands and Meadows in Common, and 100 acres Presently and power of Voting and all for 30 [shillings]: but that it went to a Towne and Publike use."[8]

Williams also wrote that "Especily for the Receaving of such as were Troubled Elsewhere about the worship of God I freely parted with my whole purchase Unto the Township or Commonalty of thee then Inhabitants . . . ."[9] As part of this transaction, Williams delivered to the community the original deed he had received from Canonicus and Miantonomi, "reserving only unto myselfe one Single Share Equall unto any of the rest of the Number . . . ."[10]

Williams's idea was that the original thirteen householders and persons later admitted to the franchise would each receive one hundred acres of land, the right to use the common lands

and meadows, and the right to vote, all in exchange for thirty shillings. But Williams had the idealistic notion that the landholders so created, being the freeman of the town, would hold their lands as feoffees (trustees) for the common good, in part by granting smaller parcels to individuals or families who sought refuge in Providence after, for example, suffering religious persecution.[11] Williams's concept of land distribution was similar to that of founders of other New England towns: "The legal title was in the original planters, but there was in most cases a moral trust in favor of later comers, and, although sometimes only under pressure, the obligation was very generally recognized—at least so long as the commons exceeded the requirements of the commoners."[12]

The language of the October 8, 1638 documentation regarding the Providence land distribution indicates that Williams intended the creation of a town trust rather than the grant of private property interests to the other twelve householders. In this document, Williams wrote that "[i]n Consideration of Thirtie poundes received from the Inhabetantes of the saide place, **[I] doe freely, & ffully passe grant & make over Equall Right and power of Enjoyeing & dispossing [disposing] the same groundes & Landes unto my Lo[ving] ffriends & neighbours [twelve names listed] and such others as the Major part of us shall admitt into the same ffeloshipp of Voate with us** . . . ."[13] The other twelve freemen did not own the land in a private property sense; rather, they had only the right of enjoying the possession of the land and distributing parts of it to newcomers. These twelve, along with Williams, were the enfranchised members of the corporation forming the town of Providence and, as such, had a fiduciary duty to use the lands in the public interest. In fact, parcels of land granted by the town government were not granted as private property, and the town reserved the right to take back parcels that were not developed or otherwise used in a way that the town

considered appropriate.[14] However, as David Hackett Fischer has observed, "[a] controversy quickly arose as to whether the first division of land in Providence was only for 'use' or for ownership as well."[15] Williams understood that he and the other twelve householders constituted the town fellowship of "Enjoyeing & dispossing" of the land he had acquired from the Narragansetts. "Enjoyment" of real estate has the legal meaning of use; thus, a tenant, for example, may have a possessory right to enjoyment without actually owning the property. The whole point was that the householders would fairly dispose of the land to newcomers, while reserving part of it for their own use. Many of the householders, however, considered and treated the land as their own private property.

As discussed in Chapter 1 and Appendix A, Williams was the protégé of Sir Edward Coke, who was, among other things, an expert in English land tenures. In English law, all land was owned by the king, with landholders having only tenurial rights, not allodial (private property) rights, in their lands. This was a residue of the feudal system that was imposed on England by William the Conqueror and his successors after William invaded England from Normandy and defeated the Anglo-Saxon army at the Battle of Hastings in 1066. Land tenures were loaded with feudal obligations such as military and other service. Over a period of centuries, many of these feudal duties were converted to monetary payments, and landholders began to enjoy a kind of de facto private property status. The tenure of fee simple was created in the thirteenth century to enable inheritability of an estate and to make the land—in effect, though not in law—private property, albeit still subject, in many instances, to feudal obligations. Feudal duties and incidents attached to land were substantially abolished by the Statute of Tenures in 1660, when Charles II accepted this transformation of feudal law as part of the Restoration.[16]

If Roger Williams had wanted to create fee simple estates in the other enfranchised householders under English law, he certainly knew, as a pupil of Sir Edward Coke, how to do so. The technical words "his heirs" were necessary to be included in a deed for a fee simple (de facto private property) estate under English law, but those words were not necessary for the creation of a trust. Williams's document memorializing the land transactions with the other householders, quoted above, contains no language recognizing any rights of the grantees' "heirs" to inherit the lands. Nor does it contain any other language stating that the other twelve householders now owned as private property the land granted to them. But in a written confirmation on December 20, 1661, Williams did use the magic word "heirs," having by then apparently given in to the notion that his grantees had fee simple interests: in the 1661 confirmation, the twelve grantees, "theire Heirs, Exsecutors, Administrators & Assignes shall at all tymes quietly & pecably Enjoy the premisses & Every part thereof . . . ." Williams was also the grantor of, or witness to, other fee simple deeds using the "heirs" language.[17]

In the principal October 8, 1638 document, Williams also granted the twelve enfranchised householders the "equall Right and power of Enjoyeing and despossing, of the Lands & grounds Reaching from the aforsaid Rivers unto the great River pautuxett with the grass and meadowes there upon which was so lately given & granted by the aforsaid Sachims to me . . . ."[18] This refers to the Pawtuxet lands south of Providence and is consistent in all respects with the grant, earlier in the same document, regarding the Providence lands. But a separate October 8, 1638 agreement regarding the Pawtuxet lands is somewhat more perplexing. This document recognized that the meadow land at Pawtuxet on both sides of the river "is to be impropriated unto those 13 persons being now Incorporated together in our Towne of providence [naming them]; and to be equally divided among them," with further

provisions regarding payment of twenty pounds to Williams for the land. The transitive verb "impropriate" has an archaic sense, apparently applicable in this instance, of meaning to "appropriate." The transitive verb "appropriate" has several meanings, including "to make peculiarly the possession of someone," "to set apart for or assign to a particular purpose or use in exclusion of all others," and (archaic) "to assign or attribute as specially belonging." Like the principal document, this separate document regarding the Pawtuxet lands does not contain fee simple language ("and his heirs"). Accordingly, the separate document appears to grant the Pawtuxet lands to the exclusive use of the thirteen householders for their lives, without, however, the public obligations of the Providence document.[19] Henry Dorr interpreted these facts as meaning that Williams had compromised with the other twelve householders by giving them private property rights in Pawtuxet while retaining the town trust concept for Providence.[20] As explained above, however, Williams himself disputed any such notion. Williams later stated that the Pawtuxet land transaction was on the "same tearms viz: for the Supply of the Destitute" as the Providence land transaction, and this interpretation is consistent with the provision on Pawtuxet that is in the October 8, 1638 document regarding the distribution of the Providence lands. The ambiguities in the documents were to be the source of great future strife and litigation, but the compromise embodied in The Combination of 1640 gave Pawtuxet to the thirteen original householders.[21]

As explained in Chapter 2, Williams did not accept the view, assumed in the Massachusetts and Plymouth patents, that the king owned all the land in New England (and beyond). Accordingly, Williams obtained land from the Narragansetts for his Providence settlement without any reference to the reigning English monarch. One might say that Williams had allodial rather than feudal rights in the land he acquired from the Narragansetts. The

uncontroverted language in the writing signed (via mark) by Canonicus and Miantonomi stated:

> Memorandum, that wee Caunounicus, & Miantenomu the 2 cheife Sachims of Nanhiggansick having 2 yeares since Sold unto Roger Williams the landes & Meaddowes upon the 2 fresh Rivers called Moshosick & wanasquatuckett doe Now by these presentes Establish, & confirme the boundes of those landes from the River & fieldes of pautuckquitt, the great hill of Neotaconckonett on the Norwest, & the town of Mashappauge on the West
>
> in wittnesse where of wee have here unto Sett our handes [followed by marks of Canonicus and Miantonomi][22]

This memorandum was dated March 24 in "the 2nd yeare of our plantation, or planting at Moshosick, or providence" (March 24, 1638).[23] William Harris and his associates later produced a forged document with additional language that they interpreted as conveying a significantly greater area of land from the Narragansett sachems.[24]

William Harris and other one-hundred-acre landholders had notions about their grants that differed significantly from Williams's view. Henry Dorr stated that "Harris and his associates always maintained and believed that Williams made his purchase from the Sachems, only as the agent of the whole body."[25] Dorr's assertion that Harris and his companions actually "believed"—as distinguished from "maintained"—this proposition is dubious. As discussed above, the language in the actual written documents suggests otherwise. Decades later, Williams observed that "[t]hese first 12 fell from the nature of Feoffees in trust with my self for publike Ends to Monopolizing so that the after Commers Contended with them . . . ."[26] As discussed in the present book, Williams spent much of the remaining decades

of his life opposing the land-grabbing ways of Harris and his associates.

Although all voters in Providence were landholders, not all landholders were voters. Land was granted to some who were not—or not yet—admitted to freemanship. Land was even granted to some widows, who could not, of course, expect to be admitted to the franchise.[27]

In 1645 or 1646, in order to curtail the acreage of newcomers, the majority of the enfranchised hundred-acre landholders allowed lots of only twenty-five acres each to individuals who paid ten shillings for each such lot and who agreed, on January 19, 1646, to a new subscription that acknowledged that they would not receive "any privillidge of Vote, in Towne Affairs; untill we shall be received, as free = Men of the said Towne of Providence."[28] Accordingly, the franchise was restricted, even with respect to male landholders, as late as 1646. However, the so called "25 acre men" later became voters.[29] On May 15, 1658, the Town "Ordered that all those that injoy land in the jurisdiction of this Town are freemen."[30] There may, however, have been an ulterior motive in this later extension of the franchise. At that time Harris's faction was in control of the Town meeting. Voters within the "jurisdiction" of Providence included those outside the boundaries of the town. "This confirmed the right of suffrage to those who had made purchases beyond Williams's Indian line . . . . The Proprietors let the small purchasers understand that they stood in no awe of them."[31]

APPENDIX D

Roger Williams and John Locke

Williams and Locke: Some Preliminary Observations

Thomas Jefferson regarded the philosophers John Locke, Francis Bacon, and Isaac Newton as "the three greatest men that have ever lived, without any exception . . . ."[1]

Some of the language in Jefferson's draft of the Declaration of Independence mirrors language in Locke's *Essay Concerning the True Original, Extent, and End of Civil Government* (also called the *Second Treatise of Government*), first published in England in 1689.[2] The famous opening sentences of the second paragraph (beginning with "We hold these truths to be self-evident") of the Declaration were mostly Jefferson's language, though his initial draft did not include the word "Creator."[3] Jefferson later wrote: "Neither aiming at originality of principle or sentiment, nor yet copied from any particular and previous writing, [the Declaration of Independence] was intended to be an expression of the American mind . . . . All its authority rests then on the harmonizing sentiments of the day, whether expressed in conversation, in letters, printed essays, or in the elementary books of public right, as Aristotle, Cicero, Locke, Sidney, &c."[4] The language in Jefferson's draft of the opening of the second paragraph of the Declaration is similar to (and in some instances directly quotes from) language and concepts in sections 4, 6, 123, 124, 149, 210, 222, 223, 225, and 230 of Locke's

Second Treatise of Government. Nevertheless, Jefferson stated in 1823, in response to Richard Henry Lee's allegation that the Declaration was copied from Locke, that "whether I had gathered my ideas from reading or reflection I do not know. I know only that I turned to neither book or pamphlet while writing it."[5]

Some historians and other scholars have also argued that Jefferson's Bill for Establishing Religious Liberty (discussed in Chapter 9) was likewise influenced by Locke, and that Locke, in turn, was influenced by Roger Williams. American Founder David Ramsay wrote in the early nineteenth century that "[s]entiments were promulgated in [Williams's *Bloudy Tenent*], at that time of intolerance, which were afterwards admired in the writings of Milton, Locke, and Furneau."[6] Winthrop S. Hudson, in a 1964 article, pointed out similarities between Locke's *Letter Concerning Toleration* and earlier English Puritan thought, especially as manifested in Williams's writings:

> This type of thinking is familiar to anyone who has read Locke's *Letter concerning Toleration*, for Locke did no more than restate the argument that had been fashioned by the Independents. Locke was undoubtedly acquainted with and indebted to the writings of John Goodwin, John Milton, John Owen, Jeremiah Burroughes, and many others, including the author of *The Ancient Bounds*. The parallels with the thought of Roger Williams, however, are so close that it is not an entirely implausible conjecture to suggest that Locke's major contribution may have been to reduce the rambling, lengthy, and incoherent exposition of the New England "firebrand" to orderly, abbreviated, and coherent form. Beyond a differing emphasis and concern, it is impossible to discover a single significant difference between the argument set forth by Williams and that later advanced by Locke. They scarcely differ even in the details of its practical application.[7]

Hudson's article discussed at length the similarities and some differences between Williams and Locke.[8] More recently, William Lee Miller suggested that the "writings of Roger Williams were not the sort of thing Thomas Jefferson was likely to read, but John Locke clearly had read them. When one reads Locke's letter [on toleration], one finds as many echoes of Williams as anticipations of Jefferson."[9] Edwin S. Gaustad stated: "No evidence survives of Jefferson's or Madison's having read Roger Williams, though John Locke almost certainly did. Locke also succeeded in putting his predecessor's cumbersome prose into succinct and pungent lines."[10] James Calvin Davis observed that "many arguments that Williams made on behalf of religious freedom appear almost verbatim in Locke's works."[11]

Timothy L. Hall compared the arguments of Locke's *Letter Concerning Toleration* with Williams's written arguments and cited other scholars who argued for a close connection between Williams and Locke.[12] Hall observed that "[t]here does not appear to be any direct evidence . . . that Locke relied on Williams's works."[13] However, Hall remarked that "[s]ix years after Williams died, John Locke published *A Letter Concerning Toleration*, a tract whose main arguments were strikingly similar to those of the Rhode Island firebrand."[14] Hall discussed differences as well as similarities between the views of Williams and Locke regarding toleration.[15]

Locke was born in 1632 and, with the exception of occasional visits to continental Europe, lived continuously in England until 1675. He was a student when Roger Williams's books were published in London during the 1640s and 1650s. Williams's writings created quite a public stir in England during, and for many years after, the times they were published.[16] Accordingly, it would not

be surprising if Locke—who was always well-informed regarding political, religious, and intellectual developments—became aware of Williams and his writings at some point in his early adulthood.

It is a remarkable fact that Locke resided during the last fourteen years of his life at the same Otes manor house where Roger Williams had been a private chaplain for the Masham family before he left England for America. The house at the time of Locke's residence was owned and occupied by Sir Francis Masham, the grandson of the Sir William Masham who had been the head of the Masham family at Otes when Roger Williams lived there.[17] Sir William Masham had continued to provide political support for Williams even after the latter's relocation to America. For example, Sir William was one of the members of Parliament who, in 1644, signed a letter for Williams to present to the Massachusetts Bay government regarding the charter for Providence Plantations that Williams had obtained from the Parliament.[18] With this historical background, one could postulate a scenario in which the Masham family made Locke aware of Roger Williams, to the extent that Locke was not already aware of him. But Locke did not visit Otes before he wrote his *Letter Concerning Toleration*. His later connection with Otes was through Damaris Cudworth, a philosophical author who was the daughter of the famous Cambridge Platonist Ralph Cudworth. Damaris Cudworth married Sir Francis Masham in 1685, when Locke was in exile in Holland. Although Locke knew Damaris Cudworth before he went into exile in 1683, he wrote the *Letter Concerning Toleration* while he was abroad. He was working on it in November and December of 1685, and it was published, first in Latin and later in English, in 1689.[19]

None of Roger Williams's writings were listed in the final catalogue of the library of John Locke.[20] However, Locke's library was subjected to many tumultuous events during his lifetime, and the final catalogue does not include all books that Locke,

at one time or another, possessed or otherwise read.[21] An eminent twentieth-century Locke scholar observed that "the study of [Locke's] library confirms what must be expected, that he must have bought, borrowed, destroyed, lost many, many titles without leaving evidence known to us."[22] Locke borrowed books from and lent books to others and spent extended periods of time living with people who had substantial libraries of their own, including the first Earl of Shaftesbury (to whom Locke was a physician and advisor), Benjamin Furly in Rotterdam (with whom Locke lived in 1687-89 while he was in exile), and the Masham family at Otes.[23] Furly's library contained Roger Williams's *Bloudy Tenent* and *Bloody Tenent Yet More Bloody*, and Locke might well have read these works during his extended stay at Furley's house.[24] Although we do not know the contents of the Masham library at Otes,[25] it may well have included writings of Roger Williams, the former family chaplain who continued to be important to the Mashams even after he left England for America. Again, however, Locke wrote *A Letter Concerning Toleration* before ever visiting Otes. No definite historical evidence of Locke's awareness of Williams appears to exist.[26]

The Missing Links: Sir Henry Vane and Sir Henry Stubbe

There are, however, some very interesting missing links between Roger Williams and John Locke. As discussed earlier, Sir Henry Vane was one of Williams's best friends, both in New England (1635-37) and in England during Williams's return visits (1643-44 and 1652-54). Vane was very much influenced by Williams's views on religious liberty, and Vane published, shortly after Williams's second return visit, at least two writings advocating such freedom of conscience: *The Retired Mans Meditations . . .* (1655) and *A Healing Question Propounded . . .* (1656). These two publications track, in part, arguments that Williams had made in several works

published in London during his two return visits,[27] and Vane sent Williams a copy of *The Retired Mans Meditations* soon after it was published.[28] Although the final catalogue of John Locke's library did not include any of Williams's works, it did contain these two writings of Williams's close friend and associate, Sir Henry Vane, and Locke had possessed at least one (*The Retired Mans Meditations*) of these works before he wrote his *Letter Concerning Toleration*.[29]

Moreover, these facts do not exhaust the evidence connecting Williams with Locke through Henry Vane. Locke was a preparatory school (Westminster School) and college (Christ Church, Oxford) friend of Henry Stubbe, whose longtime patron was Henry Vane.[30] Stubbe, who shared with Locke the birth year of 1632, possibly met Roger Williams when Williams visited Vane during his 1652-54 stay in England.[31] In fact, Williams resided at Vane's London area residence on one or more occasions in 1652 and, in 1653, lived for several weeks at Vane's manor in Lincolnshire.[32] In 1659 Stubbe recalled his own meeting with Williams's Rhode Island friend and colleague John Clarke (who, as discussed in Chapters 7-8, was in England from 1652 to 1664 and obtained the second Rhode Island charter); Clarke explained to Stubbe many facts regarding the Anne Hutchinson controversy in New England.[33] Whether or not Stubbe actually met Williams, it is probable that Vane and Clarke both told Stubbe about their mutual friend from Providence. It is also possible, if not probable, that Stubbe told Locke about both Vane and Williams and their shared views regarding freedom of conscience and separation of church and state. One can conceive of a scenario in which Stubbe might have read some of Williams's works from Vane's library and perhaps might even have shared these works with Locke.[34] It may be through his continuing friendship with Stubbe that Locke became aware of, and acquired, Vane's *Retired Mans Meditations* and *Healing Question Propounded*, published in 1655 and 1656, respectively.

During the 1650s Stubbe was a disciple of Vane and (directly or indirectly) Williams. In or before September of 1659 Stubbe published *An Essay in Defence of the Good Old Cause or A Discourse concerning the Rise and Extent of the power of the Civil Magistrate in reference to Spiritual Affairs . . . .* (hereafter cited as *Good Old Cause*).[35] The extended title of this work indicated that it contained three sections: (1) *A Discourse concerning the Rise and Extent of the power of the Civil Magistrate in reference to Spiritual* Affairs, (2) *A Preface . . .* (a forty-five page section that actually was the first section of the book after "A premonition to the Reader"), and (3) *A Vindication of the Honourable Sir Henry Vane from the false aspersions of Mr. Baxter.* Although the surviving copies of this work apparently do not include the third section, they do contain the first two sections referenced in the extended title. Some historians have concluded that Stubbe's *Malice Rebuked, . . . and A Vindication of the Honourable Sr. Henry Vane from [Richard Baxter's] Aspersions . . .* (hereafter cited as *Malice Rebuked*) was originally bound with his *Good Old Cause*, thereby constituting the third section that is missing from the extant copies.[36] Although I tend to agree that *Malice Rebuked* was probably the work originally bound with *Good Old Cause*, the matter is not entirely free from confusion. For example, Stubbe also published in about June of 1659 a separate *Vindication of . . . Sir Henry Vane . . . From the Lyes and Calumnies of Mr. Richard Baxter . . . .* (hereafter cited as *Vindication of Vane*).[37]

These three 1659 Stubbe writings (*Good Old Cause*, *Malice Rebuked* and *Vindication of Vane*) all tracked Vane's and Williams's arguments regarding freedom of conscience and separation of church and state, which were radical and even dangerous ideas during the seventeenth century.[38] Stubbe forwarded a copy of his *Good Old Cause* (perhaps including *Malice Rebuked* as the third section) to Locke, and, Locke, after reading it, commented on it in a letter to Stubbe written in about mid-September of 1659.[39] One of the interesting facts about this publication

history is that Locke's final library did not include either *Good Old Cause* or *Malice Rebuked*, although it is clear from his correspondence that he had read at least the former of them in September of 1659.[40] The absence of *Good Old Cause* from the catalogue of Locke's final library proves that Locke's final library did not include all the books he had ever possessed and read. Accordingly, we cannot rule out the possibility that Locke himself had actually read some of Roger Williams's works, notwithstanding the fact that they were not listed in Locke's known book catalogues. Perhaps Locke borrowed such books from Stubbe or others. The fact that the "eminently prudent" Locke never mentioned the controversial Roger Williams in his own writings is not dispositive. As a political philosophy scholar once observed, "Locke had the good sense to quote only the right kind of writers and to be silent about the wrong kind, although he had more in common, in the last analysis, with the wrong kind than with the right."[41]

Locke's 1659 letter to Stubbe appeared to agree with Stubbe's expression of liberal views on toleration in his *Good Old Cause*.[42] "The only scruple I have," wrote Locke, "is how the liberty you grant the Papists [Roman Catholics] can consist with the security of the Nation (the end of government) since I cannot see how they can at the same time obey two different authoritys carrying on contrary intrest."[43] Locke never changed his view that Roman Catholics constituted a threat to the state as a result of their allegiance to the pope and the related history of international Roman Catholic plots to overthrow Protestant Tudor and Stuart monarchs and reinstate Catholicism as the established religion in England.[44] In contrast, Roger Williams supported liberty of conscience for Catholics, reserving the right of the state to adopt nonreligious measures to ensure obedience to civil laws.[45]

On October 13, 1659, Stubbe completed an additional work, *A Letter to an Officer of the Army* . . . , which was published by October

26th.[46] The second numbered page of this pamphlet referred to "the *bloud of the Saints under the Altar*"—an adaptation of a biblical allusion that had been repeatedly used by Roger Williams.[47] For example, fifteen years earlier Williams had written on the first page of *The Bloudy Tenent*: "The *Doctrine of persecution* for cause of *Conscience*, is proved guilty of all the *blood* of the *Soules* crying for *vengeance* under the *Altar*."[48] Williams and Stubbe were both making reference to Revelation 6:9-10:

> 9. When he opened the fifth seal, I saw under the altar the souls of those who had been slain for the word of God and for the testimony which they held.
> 10. And they cried with a loud voice, saying, "How long, O Lord, holy and true, until You judge and avenge our blood on those who dwell on the earth?"[49]

Although no evidence exists that Locke read *A Letter to an Officer of the Army*, this quoted parallel to Williams's writings is evidence that Stubbe had read Williams. Moreover, Stubbe's pamphlet was something of a masterpiece of political philosophy in arguing that liberty of conscience could only be protected from majority tyranny by devising a realistic and effective institutional governmental mechanism, as distinguished from mere "*Parchment Law* . . . ."[50] While channeling Williams, Stubbe set forth some principles of political theory that James Madison was to articulate, more than a century later, on the other side of the Atlantic.[51] Although no evidence exists that Madison had read Stubbe, it is an interesting historical fact that Stubbe's *Letter to an Officer* was among the works of Stubbe in Benjamin Franklin's library.[52]

In *A Letter to an Officer*, Stubbe argued for the creation of a "Select Senate" as the guardian of freedom of conscience and other fundamental rights. Such protection would be guaranteed by the Select Senate's "management of the *Militias*, *Universities*

and *Ministry*: therefore the inspection and care of all those (according to fitting ways) must be vested entirely in" the Select Senate, subject to review by a body of "*Inquisitors* [that would] research into their faithful deportment herein."[53] This is the sole specific evidence I have found of a deviation from strict separation of church and state on the part of Stubbe before 1660. However, the entire purpose of the Select Senate's power was to provide "the Security which the *people* . . . can have as to their *fundamentals*," of which liberty of conscience was of primary importance.[54] "The *basis* [of a proper government] must be such a *Toleration* as each may be *secured of the continuance thereof* without molestation from, yea under the protection of the *Magistrates*."[55] Toleration, in Stubbe's pamphlet, would be extended to all except those who advocated denying toleration to faiths other than their own.[56] Under the pressure of events, Stubbe now seemed to have slightly modified his advocacy of total toleration, expressed only a few weeks before in his *Good Old Cause*. Stubbe wrote and published *A Letter to an Officer* at one of the most critical and consequential moments of English history. In August of 1659 the army had stopped an insurrection by Sir George Booth and other Presbyterians who hoped to effect a Presbyterian national church under a restored Stuart monarchy.[57] However, as appears from Stubbe's *Letter*, the army was weak and vacillating, not having the courage of its own convictions and sometimes not having correct convictions.[58] Combining a flair for political theory with a very concrete pragmatism, Stubbe was, at the unlikely age of twenty-seven, attempting to avert disaster for the causes of republicanism and liberty of conscience by proposing that the army administer very strong medicine to the body politic. Stubbe failed in this noble endeavor, and in May of 1660 King Charles II resumed the throne left vacant by his father's execution in 1649. The battle for republicanism and separation of church and state was lost in England forever. The battle for religious liberty received many

setbacks during the succeeding decades and centuries, only to reach some measure of success by the twentieth century.

But Stubbe's extraordinary literary labors during the year 1659 were not yet finished. On or about November 8, 1659, he anonymously published a second and considerably expanded edition of a work that had been originally published on or about June 17, 1659: *A Light Shining out of Darknes* . . . .[59] This second edition of *Light Shining out of Darknes* was in the library of John Locke,[60] and either the first or second edition was in the library of Benjamin Franklin.[61] Henry Vane was probably a co-author—perhaps the principal author—of the first edition, and parts of the first edition were incorporated into the second edition, which otherwise appears to have been written solely by Stubbe.[62] Although the practice seems strange to us, anonymous collaborative authorship was common in the mid-seventeenth century.[63]

Much of the first edition of *Light Shining out of Darknes* was directed against the Presbyterian doctrine of apostolic clerical succession (ministers being ordained by a chain of clergy going back to the original apostles of the New Testament).[64] By this doctrine, the Presbyterians had, for many years, attacked the Congregationalists or Independents, whose original principle was the calling of ministers by individual congregations. Moreover, the Presbyterians used the doctrine of apostolic succession to claim a divine right in their clergy that was at least equal, and arguably superior, to the right of the civil state. Accordingly, the Presbyterians made arguments that were similar to those of the Anglicans and Roman Catholics before them. These divine right arguments constituted the theological underpinnings of the respective Presbyterian, Anglican, and Catholic doctrines of theocracy with attendant persecution of religious dissenters (whom they called "heretics"). Theocracy meant, in this context, that the clergy had a divine right to define heresy as well as to control ecclesiastical institutions and theological doctrine. Moreover, the

clergy could require the civil state to enforce their definition of religious conformity and prosecute those whom they labeled heretics. Although New England Congregationalism evolved its own theocratic principles and practice (see Appendix B), the English Congregationalists were generally opposed to the types of divine right theocracy represented by Presbyterianism, the Church of England, and the Roman Catholic Church. Under the leadership of Oliver Cromwell, however, the more conservative of the English Congregationalists or Independents came to support and implement what has been called quasi-Erastianism: the civil state having powers of appointment and expulsion of clergy for government-defined parishes supported by compulsory tithes in the context of a limited toleration regime that excluded Roman Catholics, Anglicans, and certain other unapproved religious groups. In opposition to both the theocratic and quasi-Erastian camps, many Baptists, Quakers, and other "sectarians" (as they were called at that time) followed Roger Williams and Henry Vane in supporting full religious liberty and separation of church and state.[65]

The first edition of *Light Shining out of Darknes* also attacked tithes—a mainstay of the Cromwellian religious regime. Today, at least in the United States, all direct financial contributions to churches are voluntary. However, the government of England, like the governments of most European countries during much of Western history, required individuals to give a portion of their income (historically, one-tenth) to their parish church. As discussed in Chapter 7, *supra*, this was a big issue in Cromwellian England, with Cromwell and his religious advisor John Owen supporting compulsory tithing and the Separatists, such as Roger Williams and Henry Vane, opposing government-enforced tithes. The first edition of *Light Shining out of Darknes* argued, as did the Separatists and the so-called sectarians, that the earliest

Christians paid tithes as alms (voluntarily), not as a matter of government compulsion.[66]

The first edition concluded with a section, mostly in Latin, supporting religious toleration and opposing religious persecution.[67]

In an unpaged prefatory address to the "Reader" in the second edition of *Light Shining out of Darknes*, Stubbe explained that he had modified and added to the first edition in several respects. "Some Queries," he concluded, "are wanting here, which were in the former, as that of Toleration, which with the very same Citations, is more largely and convincingly handled in the Defense of the good old Cause, published by H. Stubbe of Ch. Ch. in Oxon [Christ Church college at Oxford,] which Treatise I must recommend to thy diligent perusal." Nevertheless, the second edition attacked government-imposed tithes and governmental licensing of ministers—characteristics of the Cromwellian church settlement discussed further in Chapter 7 of the present book.[68]

Was Henry Stubbe an Erastian?

The foregoing history shows a line of thought connecting John Locke with Roger Williams through Henry Vane and Henry Stubbe before 1660. However, at least two scholars have suggested that Stubbe's view of church-state relations during the 1650s was strongly influenced by the views of Thomas Hobbes, the English philosopher who wrote the famous (or infamous) *Leviathan*, published in 1651.[69] The *Leviathan* argued that the civil sovereign (whether a monarch, which Hobbes seemed to prefer, or an aristocratic or democratic body) should have absolute power over all civil and religious matters within the political society. The sovereign should control the religious ministers and all matters of church doctrine and practice.[70] For example, a church

congregation would be required, and permitted, to assemble for services when, and only when, the sovereign specified.[71] This view of church-state relations, known as Erastianism (more thorough than the quasi-Erastianism of the Cromwellian Protectorate), is the polar opposite of the position of Williams and Vane. Hobbes repeated these Erastian views in his 1657 publication *Markes of the Absurd . . . Scottish Church-Politicks . . . of John Wallis.*[72]

The argument that Stubbe was a Hobbesian Erastian during the 1650s is based primarily on eighteen letters that Stubbe wrote to Hobbes from April 1, 1656 to October 9, 1659.[73] (Unfortunately, Hobbes's letters to Stubbe have not been located and have presumably been lost to history.)[74] However, not one of these letters explicitly agrees with Hobbes's Erastianism. Although Stubbe, like Vane and Williams before him, shared Hobbes's opposition to an established Presbyterian church, it does not follow that Stubbe agreed with Hobbes's proffered solution: absolute governmental control over religion. Indeed, Stubbe's writings before the 1660 Restoration of the Stuart monarchy are to the contrary.[75] Simply put, there is no concrete historical evidence that Stubbe shared Hobbes's commitment to Erastianism during the 1650s. Although Stubbe's letters to Hobbes are replete with the generalized flattery that was typical of an age of such hierarchical personal relationships (Hobbes, already famous, was several decades older than the young Stubbe) and although Stubbe, an accomplished Latinist, was engaged in translating the *Leviathan* into Latin for Hobbes, Stubbe's unspecific statements of intellectual agreement with Hobbes never mentioned the issue of Hobbes's Erastianism and evidently referred instead to their mutual opposition to a Presbyterian church establishment as well as their common interests in opposing the religious, political, and (however incomprehensible to twenty-first-century minds) Latin grammatical arguments of that anti-Hobbesian Presbyterian theocrat John Wallis.[76]

The Conservative Reaction of the Stuart Restoration

The Restoration of the Stuart monarchy in 1660 and the associated reestablishment of the Anglican Church of England as the official governmental religion changed everything. Sir Henry Vane was tried and, in 1662, executed for his role in the revolutionary governments.[77] Sir Henry Stubbe went underground, only to emerge years later as a public supporter of the restored monarchy and the Church of England while privately retaining his republican and increasingly heterodox religious opinions.[78] John Locke backed away from his expression of support in 1659 for Stubbe's advocacy of liberty of conscience and instead authored two manuscripts, later entitled *Two Tracts on Government* (written in 1660-62 but not published until long after his death), which took a position opposing toleration—the opposite of Roger Williams's position and, indeed, the opposite of the positions earlier taken by Stubbe and Vane.[79] During the early 1660s Locke clearly did not accept the arguments of Williams, Vane, and the earlier Stubbe in favor of religious liberty and separation of church and state. In addition to the radical change in political circumstances, it must be remembered that the English Civil Wars (1642-46, 1648-49), the Commonwealth (1649-53, 1659-60), and the Cromwellian Protectorate (1653-59) had all occurred during Locke's formative years, starting when he was about ten years old. Having grown up in the midst of civil war and political chaos, the young Locke was not very sympathetic to the Puritan dissenters who had rebelled against the Stuart monarchy and its official Church of England. Locke saw, among other things, that many of the Puritans were fanatical and, like their counterparts in Massachusetts Bay, had no intention of recognizing freedom of conscience for people with religious views different from their own: he observed that "the popular assertors of public liberty are the greatest engrossers of it too and not unfitly called its keepers . . . ."[80]

The *Two Tracts on Government* evinced Locke's desire, in his late twenties, for a return to a political stability that he had never known. As he said in the "Preface to the Reader" introducing the First Tract, "I no sooner perceived myself in the world but I found myself in a storm, which hath lasted almost hitherto, and therefore cannot but entertain the approaches of a calm with the greatest joy and satisfaction . . . ."[81] He saw hope for tranquility in the May 1660 restoration of the Stuart monarchy in the person of King Charles II and the opening of the so-called Cavalier Parliament in May 1661.[82] It was perhaps this major historical change of circumstances that led Locke to abandon his flirtation with freedom of conscience in 1659 in favor of a political settlement that he thought would provide law and order for the first time in his politically conscious life. In the introduction to his First Tract, Locke wrote that his intention was to "dispos[e] men's minds to obedience to that government which hath brought with it that quiet and settlement which our own giddy folly had put beyond the reach, not only of our contrivance, but hopes."[83] And Locke wished people "not to hazard again the substantial blessings of peace and settlement in an over-zealous contention about things, which they themselves confess to be little and at most are but indifferent."[84]

John Locke and Edward Bagshaw: Locke's *Two Tracts on Government* (1660-62)

Locke's *Two Tracts on Government* responded to a 1660 publication entitled *The Great Question Concerning Things Indifferent in Religious Worship . . . .*[85] *The Great Question* was a nineteen-page pamphlet written and published anonymously by Edward Bagshaw. Locke undoubtedly knew Bagshaw from their association at Christ Church college.[86] Although Locke wrote the body of the First Tract in late 1660, he prepared the preface about May 1661.[87]

Locke seemed to give the impression in the Preface to the Reader (written in about May 1661) to his First Tract that he was unaware of the identity of the author of the anonymous *Great Question* pamphlet; he had, however, known that Bagshaw was the author no later than March of 1661.[88]

Bagshaw published a Second Part of *The Great Question* in late 1661.[89] The title page states that it is "By the same Author." Despite the apparent continuing anonymity, the close of "The Preface to the Christian and Candid Reader" of the *Second Part* reads: "Ch. Ch. Sept 10. 1661, Edward Bagshaw." Locke probably wrote his Second Tract sometime in 1662.[90] Although one would think that Locke would have read Bagshaw's *Second Part* before or during the writing of his Second Tract, Locke expressed no awareness in the Second Tract of Bagshaw's *Second Part*. It must be kept in mind that, unlike Bagshaw, Locke did not publish his *Two Tracts*, and they were not, in fact, published, even in part, until the nineteenth (First Tract) and twentieth (Second Tract) centuries.[91]

Bagshaw's *Great Question* is, unlike most seventeenth-century publications, a model of excellent writing and cogent argumentation. Bagshaw began with an address "To the Christian and Candid Reader" in which he expressed his approval of the Church of England and professed his forthcoming obedience to whatever Charles II would decide with regard to the questions of ceremony and ritual raised by the pamphlet.[92] Most of the essay proper consists of concise and calm arguments why the new king should allow dissenters to decline to participate in various ceremonies and rituals mandated by the Church of England and over which there had been much fighting, both verbal and physical, for more than a century. Bagshaw argued primarily from scripture, especially from the teaching of Jesus and his apostles that true religion is an inner experience rather than conformity to externally imposed ceremonies and rituals. At this point, we notice both similarities with and

differences from Roger Williams's writings: similarities in the interpretation of biblical texts but differences in Bagshaw's apparent acceptance of the reestablished Church of England and willingness to accept whatever Charles II would decree on this subject.

Just when we are comfortable with the notion that Bagshaw—in contrast to Williams—was a half-hearted proponent of freedom of conscience, he jolts us out of our complacency. On the last two pages of his pamphlet, Bagshaw repeats Williams's argument that the proper sphere of the civil magistrate does not extend to religious matters.[93] This is an implicit rejection of Bagshaw's apparent affirmation, in his introductory remarks, of the power of the king over religion. Bagshaw also tracks the arguments of Williams and his followers that the first three hundred years of Christianity were, in Bagshaw's words, "full of nothing else but such Arguments as evince a *Liberty* [of conscience] . . . . But when once *Constantine* took upon him to manage the Affairs of the *Church*, and by *Penal Laws*, ratified and confirmed *Church-Orders*, he laid that Foundation of *Antichristian Tyranny* . . . and the Churches worldly power encreasing as fast, as the Purity of Religion did decrease; the *Bishops* of *Rome* within a few years, gained to themselves, and have ever since practiced severely against such, whom they call *Hereticks* . . . ."[94] Bagshaw then went on to say that these "furious and **bloudy Tenets**, like subtle Poyson, have run through the Veins of almost all Professors [persons who profess religion]; scarce any sort even of Protestants, allowing to others that *Liberty of Religion*, which at the beginning of their Sects, they justly challenged to [claimed for] themselves."[95] This is pure Roger Williams, right down to the explicit invocation of the title of Williams's most famous work, *The Bloudy Tenent of Persecution*.

All this wonderful argumentation left Locke cold. Locke argued in his *Two Tracts on Government* that the civil magistrate properly could legislate about and regulate "indifferent things"

(rituals, ceremonies, and so forth) in religion and that only such governmental control over religion would prevent the kind of religious dissension and anarchy that had afflicted the nation during the Civil Wars. Locke, of course, defined "indifferent things"—as did many of his conservative contemporaries—broadly, whereas many such "indifferent things" were considered by religious dissenters to be anything but "indifferent" to God.

Turnaround: Locke's *Essay Concerning Toleration* (1667)

A few years later, in 1667, Locke wrote *An Essay Concerning Toleration* (first published in the nineteenth century),[96] which advocated the very positions in favor of toleration that he had rejected in the *Two Tracts on Government*. Locke thus seems to have changed his mind twice in a period of less than a decade about the question of toleration.

The *Essay Concerning Toleration* achieves a level of Lockean sophistication that makes the *Two Tracts on Government* look juvenile in comparison. We see here the beginnings of themes that were to be more fully developed in Locke's *Two Treatises of Government*, published more than twenty years later. For example, Locke states in the *Essay Concerning Toleration* that the only proper end of laws is "the security of the government & protection of the people in their lives, estates [property], & libertys, i.e. the preservation of the whole . . . ."[97] Religion is conspicuously absent as a governmental objective. This is the same principle that animated the *Two Treatises of Government* in 1689[98]—a principle that Jefferson immortalized, in somewhat modified fashion ("life, liberty, and the pursuit of happiness"), in the U.S. Declaration of Independence.

Locke is no longer the schoolboy jumping with fright at every manifestation of popular dissent and anarchy. He is now becoming a philosopher with a more detached perspective. The

threat he perceives to the common good is no longer from the unwashed masses. It is rather from the upper reaches of ecclesiastical and political government—the very quarters with which he claimed alliance in the *Two Tracts*. The transition from student to philosopher was also evidenced by the intellectual quality of his *Questions concerning the Law of Nature*, a work he wrote in 1663 and 1664.[99]

In the *Essay Concerning Toleration* Locke appeared to accept as a historical datum the governmentally established Church of England and the king as the head of the national church.[100] This was probably more a matter of recognizing current political reality than a matter of conviction for Locke, because he otherwise made it clear that the civil magistrate really did not have any business dealing with religion as such.[101] In contrast to the *Two Tracts on Government*, Locke's *Essay Concerning Toleration* recognized the importance of separation of religion and government. This is similar to Roger Williams's concept, but Locke does not go quite as far as Williams's published writings in distinguishing between the proper roles of church and state.[102]

Moreover, Locke does not always use the phrase "liberty of conscience" in the same laudatory manner as does Williams. For Locke, the banner of "liberty of conscience" sometimes hides political objectives that have little to do with religious freedom. Locke argues that government may interfere with religious actors to the extent they threaten the peace and security of civil society with violence or political coercion. Thus, the English government should suppress Roman Catholicism on the assumption that Roman Catholics are subservient to a foreign power (the papacy and/or such Catholic states as Spain or France) and will attempt to subvert English institutions. Atheists are also not entitled to freedom of conscience because belief in a deity is, according to Locke, "the foundation of all morality . . . without which a man is to be counted noe other then one of the most dangerous

sorts of wild beasts, & soe uncapeable of all societie."[103] Although Roger Williams advocated liberty of conscience for all (including Catholics and atheists), he always qualified his position by stating that the civil magistrate should prevent or oppose physical threats to the polity or to individual groups or individuals even if made under pretense of liberty of conscience. This view was clearly expressed not only in Williams's Ship of State letter (to which Locke would not have had access) but also in works that Williams had published in London before Locke reached the age of twenty-three years.[104]

Locke's *Essay Concerning Toleration* channeled Williams's frequently expressed view that persecution of religious dissenters (Locke referred here only to Protestant dissenters, whom he called "Phanatiques") results only in hypocrisy leading to the disruption of civil peace. The parallels between Locke's and Williams's arguments on this subject are quite striking, except that Williams extended the argument to all religious and nonreligious groups and individuals.[105] Locke also wrote that "compelling men to your opinion, any other way then by convinceing them of the truth of it, makes them noe more your friends, then forceing the pore Indians by droves into the rivers to be baptisd made them Christians."[106] As we have seen in various discussions throughout the present book, that was also the view expressed by Williams in several of his published writings.[107]

A number of factors may have contributed to Locke's substantial (if not quite complete) return to the Williams-Vane-Stubbe approach to freedom of conscience in his 1667 *Essay Concerning Toleration*. First, as a result of historical developments during the 1660s, Locke may have given up on the ability or willingness of King Charles II to resist the royalist Parliament's desire to impose conformity and persecution on religious dissenters.[108] Second, Locke began, in July 1666, his longtime association with Lord

Ashley, later the first Earl of Shaftesbury, who was sympathetic to religious toleration.[109] Another influence occurred, however, even before he met Lord Ashley.

From November 1665 to February 1666, Locke was embassy secretary to Sir Walter Vane in a diplomatic mission to the Elector of Brandenburg at Cleves.[110] Sir Walter Vane was the younger brother of Sir Henry Vane (both of whom were sons of Sir Henry Vane the Elder).[111] Although Sir Walter, unlike his brother Henry (who had been executed in 1662 as a result of his involvement with the revolutionary governments of the 1640s and 1650s), had royalist sympathies, he probably reinforced Locke's awareness (to the extent Locke was not already aware from Stubbe or from his general knowledge) of the views and writings of Sir Henry on religious liberty. If Locke had not yet acquired the two writings of Henry Vane that were later found in his library, it is possible that he acquired them around the time of this diplomatic mission.

Moreover, Locke's personal experiences during the diplomatic expedition may have helped change his mind about toleration. In letters written to friends during his European trip, Locke observed that a policy of limited toleration of some dissenting religious groups seemed to work well in practice. He also described how his preconceived views about certain religious sects were different from what he observed of their actual religious conduct. Although he never gave up his belief that Roman Catholics were a threat to the English state, he even had mild and often humorous comments about what he observed when interacting with them in various social circumstances. This traveling experience seems to have helped open Locke's mind to thoughts he may not previously have seriously entertained.[112]

Thus, during the mid-1660s, Locke commenced what became an irreversible commitment to toleration. His new or renewed dedication to religious liberty was probably the result of

several influences: reading (perhaps rereading) Henry Vane's *Retired Mans Meditations* and *Healing Question Propounded* (influenced by Roger Williams); perhaps rereading Henry Stubbe's *Good Old Cause* and *Malice Rebuked* (influenced by Vane and, directly or indirectly, by Williams); perhaps reconsidering Edward Bagshaw's tolerationist *Great Question* (influenced by Williams); observing the increasing persecution of religious nonconformists by Parliament; having a favorable experience of limited toleration during his diplomatic visit to Cleves; and entering into a new professional relationship with Lord Ashley. Additionally, by this time, he may have actually read some or all of the published writings of Roger Williams, perhaps by borrowing them from Henry Stubbe or Walter Vane or reading them in Lord Ashley's library.

Locke scholar Richard Ashcraft also points to Locke's manuscript notes that apparently summarize a sermon by an unnamed Nonconformist minister on January 20, 1667. These notes reflect an argument for toleration based on the liberty of action that a Christian must have in order to witness to the Christian faith in society.[113] Professor Teresa Bejan has stressed the importance of this theme for Roger Williams.[114] One wonders whether the minister whom Locke heard had been influenced, directly or indirectly, by Williams.

As discussed in the present book, Williams's political activities and writings during his 1643-44 and 1652-54 visits to England sparked public debates in that society on issues of liberty of conscience and separation of church and state (see especially the discussion at the beginning of Chapter 7, *supra*). One scholar has aptly observed that "[a]t the very least, Locke's historical, religious, and intellectual milieu, in which Williams was a principal player, played a formative role in Locke's philosophy of toleration, which substantially influenced the cause of American revolutionaries a century later."[115]

Locke's Private Notes Regarding Toleration between 1667 and 1685

We discussed above the similarities between Locke's *Essay Concerning Toleration* (1667) and Williams's earlier published writings. An examination of additional relevant texts during the ensuing two decades confirms the direct or indirect influence of Williams on Locke.

In early 1674, Locke wrote a private essay on the differences between "Civill Society or the State" and "Religious Society or the Church." Locke stated that civil government should be concerned only with secular peace and prosperity—"the concernments of this life"—and not with religious concerns. Although membership in civil society is not voluntary, "Church membership is perfectly voluntary & may end when ever any one pleases, without any prejudice to him . . . ."[116] These principles of separation of church and state are essentially the same as those set forth in Williams's published writings, which Locke may or may not have consulted.

In additional private notes on toleration, probably written about 1675, Locke observed that there were hardly any substantial efforts toward religious conformity until "Christianity was well growne up in the world & was become a nationall religion. & since that it hath been the cause of more disorders tumults & bloudshed then other causes put together."[117] These views are quite similar to those expressed by Williams and discussed at length in the present book. Locke also invoked the parable of the wheat and the tares,[118] which was, as we have observed, a favorite reference of Williams and his Anabaptist predecessors. Like Williams, Vane, and Stubbe, Locke opposed the historical attempts by clergy to control civil magistrates.[119]

Again, in 1679, Locke wrote a brief private essay supporting the right of each individual to accept or reject any particular religious doctrine or practice as well as the freedom to join or resign

from any particular church.[120] He reiterated his view of the voluntary and consensual nature of church association in 1682.[121] These views were perfectly consistent with those expressed in Williams's published writings.

Locke's *Letter Concerning Toleration* (1689-90)

In 1685, when Locke was living in exile in Holland, King Louis XIV of France revoked the Edict of Nantes, which had previously extended some measure of toleration to Calvinist Protestants (called Huguenots) in that country. The revocation of the Edict of Nantes was apparently one of Locke's motivations for writing his *Letter Concerning Toleration*, which he prepared later that year.[122]

Locke wrote the *Letter Concerning Toleration* in Latin, and his Latin version was initially published in Holland in April of 1689 under the title *Epistola de Tolerantia*. Locke himself never wrote an English version of the *Letter*, but William Popple translated the work into English and published it in London later that year. Popple published a revised translation in March of 1690. It is unclear whether Locke was involved with these translations, but he did cite Popple's English translation in subsequent writings.[123]

The *Letter Concerning Toleration* continues the theme, stressed repeatedly by Williams and later by Locke, of the difference between the business of civil government and that of religion. "*The Commonwealth*," writes Locke, "seems to me to be a Society of Men constituted only for the procuring, preserving, and advancing of their own *Civil Interests*." Locke defines "*Civil Interests*" as "Life, Liberty, Health, and Indolency of Body [freedom from pain]; and the possession of outward things, such as Money, Lands, Houses, Furniture, and the like." The "whole jurisdiction of the Magistrate reaches only to these civil Concernments," and "it neither can nor ought in any manner to be extended to the Salvation of Souls . . . ."[124]

Following arguments made decades earlier by Williams, Locke states that God has not given any civil magistrate a power over religion. Moreover, no such power can be granted by the consent of the people. Decisions about religious matters are quintessentially individual. "All the Life and Power of true Religion consists in the inward and full perswasion of the mind . . . ." Outward force is ineffective.[125]

In contrast to civil government, a church is "a free and voluntary Society" that, like any other society "(whether of Philosophers for Learning, of Merchants for Commerce, or of men of leisure for mutual Conversation and Discourse)" makes its own laws for self-government.[126] Williams made the same analogy of churches to voluntary, private companies that could be created and be dissolved on a purely private basis without any involvement of government and without any disruption to the civil peace of the community.[127]

Locke illustrated the folly of theocratic or Erastian government by citing the succession of changes in the established church during the Tudor period of English history. Henry VIII changed the established church from Catholic to Protestant, though retaining much of Catholic doctrine and practice. Edward VI then made it more Protestant. But Mary I changed the established church back to the Roman Catholic faith, and Elizabeth I thereafter brought it back to Protestantism. Locke notes "how easily and smoothly the Clergy changed their Decrees, their Articles of Faith, their Form of Worship, every thing, according to the inclination of those Kings and Queens."[128] Roger Williams made a similar point, using the same examples, in his publications.[129]

Locke also reiterated the point he made in earlier (unpublished) writings that the magistrate could exercise governmental authority when religious practices violated generally applicable laws. However, "the Magistrate ought always to be very careful, that he do not misuse his Authority, to the oppression of any

Church, under pretence of publick Good. What is lawful in ordinary life, and outside the worship of God, cannot by civil law be forbidden in divine worship or in sacred places."[130] As we have seen, this was similar to Williams's view.

Locke argued that the theocratic practices of the Old Testament applied only to the Jews. "For the Commonwealth of the *Jews*, different in that from all others, was an absolute *Theocracy*; nor was there, or could there be any difference between that Commonwealth and the Church." "God himself was the Legislator" of the Jewish political government. Locke said he would recognize ecclesiastical laws "if any one can shew me where there is a Commonwealth, at this time, constituted upon that Foundation . . . ." Locke concluded that "there is absolutely no such thing, under the Gospel, as a Christian Commonwealth."[131] As discussed at length in this book, Williams's views on this subject were essentially the same as Locke's, though Williams added an argument about typology that, at best, was only implicit in Locke.

Locke's *Letter Concerning Toleration* repeated his earlier statements that Roman Catholics should not be tolerated, though here he set forth his arguments without naming the Catholics explicitly. This was, for Locke, a matter of political loyalty, not religious freedom. Among other things, he emphasized that toleration should not be extended to those who reject toleration. This could apply to persons other than Catholics, but the factual context of his argument suggests that he had Catholics specifically in mind.[132] As previously discussed, Locke departed from Williams (and from Vane and Stubbe) on this issue. Williams more precisely separated the issue of political loyalty from religion and refused to assume that all Catholics were necessarily disloyal.

Locke also wrote that "[t]hose are not at all to be tolerated who *deny the Being of a God*. Promises, Covenants, and Oaths, which are the Bonds of Humane Society, can have no hold upon

an Atheist. The taking away of God, though but even in thought, dissolves all." Additionally, "those that by their Atheism undermine and destroy all Religion, can have no pretence of Religion whereupon to challenge the Privilege of a Toleration."[133] Here is where Locke departs most noticeably from Williams. Locke held that "toleration" extended only to religious freedom. Williams, as we have seen, believed not just in "toleration" of differing religions but in "liberty of conscience" for people of all religions or people of no religion. Moreover, Williams and the society he helped create in Rhode Island rejected religious oaths. Instead, they created "engagements" that amounted to secular promises, enforced under penalty of perjury or other civil punishments, for governmental officials and witnesses in judicial proceedings. It is an interesting fact that, although Williams was much more religious than Locke, Williams taught that religion, experience, and reason all resulted in the conclusion that everyone had a right to freedom of conscience and that no one should have to invoke religion of any kind in the course of performing their duties as a citizen.

Locke's *Letter Concerning Toleration* contained many other interesting arguments, but the foregoing summarizes its main principles and the matters on which he agreed and disagreed with Williams.

Conclusion

Thomas Jefferson studied Locke's *Letter Concerning Toleration* and followed those portions of it that he considered appropriate. In private notes on religion (not published during his lifetime), Jefferson wrote:

> Locke denies toleration to those who entertain opns contrary to those moral rules necessary for the preservation of society; as for instance, that faith is not to be kept with those of another persuasion, that Kings excommunicated forfeit their crowns, that dominion is founded in grace, or that obedience is due to some foreign prince, or who will not own & teach the duty of tolerating all men in matters of religion, or who deny the existence of a god (it was a great thing to go so far—as he himself sais of the parl. who framed the act of tolern [1689,] but where he stopped short we may go on.)[134]

Jefferson was objecting to Locke's refusal to extend freedom of conscience to Roman Catholics and atheists. Jefferson's concept of liberty of conscience was actually closer to that of Roger Williams, who recognized no such exceptions. This correspondence was even more pronounced in the recorded utterances of James Madison. Locke's writings were certainly part of the intellectual heritage that Jefferson and Madison consulted when developing their own principles of freedom of thought. As the present appendix makes clear, Locke himself was influenced, directly or indirectly, by Williams. But, as demonstrated above in Chapters 9 and 10, Jefferson and Madison were also exposed to Williams's full doctrine of liberty of conscience and separation of church and state through various historical influences in the American tradition. For these and other reasons discussed in this book, Williams can rightly be called the first American Founder.

Note on Primary and Secondary Sources

A HUGE QUANTITY OF LITERATURE about Roger Williams has been published since his death more than three centuries ago. Although I have not read all of these writings, I have examined the most important of them. A few are admirable; many others exhibit factual inaccuracy, presentism, anachronism, reductionism, unjustified speculation, or ideological or religious bias. Not infrequently the same publication is excellent in some respects and defective in others. Thus, my citation of a source on one point does not imply my agreement with it on other matters.

In the present work I have followed an inductive approach of relying, to the extent possible, on primary sources and eschewing speculation that is not firmly rooted in the historical evidence. My utilization of primary sources has been most feasible with regard to Williams's life after his emigration to New England. Since much primary-source material for Williams's early life in England is inaccessible to me, I have often cited authoritative and well-documented secondary sources for those events. I have also sometimes cited reputable scholarly works for detailed factual information about early modern European and American history. When, however, I cite a secondary source with regard to Williams's own experiences in America, the purpose is to show

agreement with my own conclusions or to point to an interpretation that adds to or differs from my own.

This book does not attempt a detailed scholarly critique of other writings about Roger Williams—a herculean task that would require a work of several hundred pages in and of itself. Occasionally my disagreements with other authors are noted; more often, they are not discussed. The originality of my contribution will be evident to those who compare the present history of Roger Williams to the accounts of other authors.[1]

A few general comments are, however, in order. Brooks Adams (the great-grandson of President John Adams) remarked on the religious prejudice that "the reverend historians of the [Massachusetts Bay] theocracy" had against Roger Williams and others even as late as the closing decades of the nineteenth century.[2] In his 1932 biography of Roger Williams, James Ernst similarly observed:

> The historians of New England have generally distorted the life and thought of Roger Williams. When he refused a "call" to the first church at Boston in the spring of 1631, there began a series of controversies with the Lord Brethren, which continued until his death in 1683. To discredit him and destroy his influence, they turned to propaganda and used whatever means their God granted them against the social experiment in democracy. This propaganda has been accepted by the Puritan apologists for almost three centuries, whenever writing on the founding of New England. To avoid the pitfalls of the apologists, it is vital that all contemporary references to Mr. Williams and his associates be scrutinized and verified. Only Governor Winthrop, Mr. [Edward] Winslow, and [William] Bradford were able to handle him with an impartial touch that is still refreshing; while the references to him by his other opponents in New England—John Cotton, [Nathaniel] Morton, John Eliot, Cotton Mather, and others—may not be accepted by the historian unless verifiable from other and more reliable sources.[3]

Modern accounts of Roger Williams have often fallen into one of two opposing types of errors. Some writers have taken what historians call an anachronistic or presentist approach by treating Williams as a secular rationalist of the Enlightenment or post-Enlightenment periods. This procedure requires a knowing or unknowing suppression of much of Williams's version of Calvinism, including his adherence to many theological doctrines that are no longer accepted even by most religious people.[4] The other type of error is the opposite of anachronism and presentism: treating Williams as solely a creature of his Puritan time and place with little or nothing to say to later generations. The latter error is an example of what is called historicism.[5]

This book attempts to avoid these and other historical pitfalls. It delineates Roger Williams's revolutionary ideas about freedom of conscience and separation of church and state and explains how he actualized these concepts in a specific polity—the political community that evolved into Rhode Island. Williams's views on church and state transcended his time and place. They were, in fact, opposed by the vast majority of his contemporaries in America and around the globe. Moreover, these principles have an uncanny resonance with issues that still preoccupy us today. At the same time, the present book acknowledges Williams's less modern views and tries to understand them as he understood them himself. Although many denizens of the twenty-first century (including the present author) disagree with Williams's theology (for example, his orthodox Calvinist predestinarianism), his personal history reveals Williams to have been incredibly sincere and self-consistent, even when he was, by our lights, wrong.

Moreover, as we see from his correspondence, his ethical compass seldom failed him, though isolated instances occurred in which his prejudices shaped the language and, very rarely, the conduct he directed toward others. One might conclude, with Hamlet, that "He was a man, take him for all in all: / I shall not look upon his like againe."[6] Williams himself would likely have rejected the humanist implications of this pronouncement, but perhaps his God—or the gods of history—will forgive us if we remark that, in this unique particular, we may be permitted to understand Williams better than he understood himself.

It is an advantage of twenty-first-century historical research that many primary and secondary source materials are available at no or minimal cost on the Internet. Many of the older books and most of the scholarly articles cited in this book are available online. Readers who wish to consult these writings can search for them by using such Internet resources as the Digital Public Library of America, Google Books, Google Scholar, Internet Archive, and Liberty Fund, Inc.'s Online Library of Liberty. Access through some academic institutions and professional organizations can also be obtained to such internet resources as Hathi Trust Digital Library, Early English Books Online (EEBO), and JSTOR (a scholarly data basis that also began offering individual subscriptions in 2013). EEBO is a particularly valuable resource that I have used for downloading PDFs of the original editions of many seventeenth-century publications cited in this book. As an independent scholar, I have been able to access EEBO through my membership in the Renaissance Society of America. Although I have used EEBO's PDFs of the original editions, EEBO also made available, as of January 31, 2015, somewhat modernized and searchable text editions (retaining the original pagination) of these and other early modern writings on the Internet at no charge. See http://quod.lib.umich.edu/cgi/t/text/text-idx?page=simple;g=eebogroup.

When I have been able to download an exact PDF image of a printed writing, I do not normally identify an online URL. I do, however, identify the sources of Internet materials when a PDF copy is unavailable or when I have accessed the publication on JSTOR. Additionally, I have acquired several older books cited herein by way of purchase from out-of-print vendors listed on Amazon.com. And some other cited older works are available in recently published reprints by publishers specializing in printing exact facsimiles of such books. I have benefited from all of these twenty-first-century enhancements to historical research. I also wish to acknowledge the superb assistance of the interlibrary loan service utilized by the public libraries of Allegheny County, Pennsylvania, which has often located otherwise inaccessible publications for my use.

I have used the Amazon Kindle e-book editions of several of the books referenced in the endnotes. When the Kindle version reproduces the pagination of the corresponding paper edition, I have cited that pagination without mentioning that the source I consulted was an e-book. When, however, the Kindle edition does not reference the original paper book pagination, I cite the Kindle electronic location and/or the chapter or section of the work. Caveat: Amazon sometimes updates Kindle books previously purchased by making typographical corrections or other revisions. Such updates may change the exact Kindle location of a passage in the book. Although I am confident that all of my Kindle location citations are accurate as of the time of publication of the present book, such locations may change as a result of future updates to those books. I will attempt to update any such changed Kindle location citations on my Academia.edu webpage (http://independent.academia.edu/AlanJohnson11).

Notes

Preface

[1] Glenn W. LaFantasie, introduction to The Correspondence of Roger Williams, 2 vols. (Hanover, NH: University Press of New England / Brown University Press, 1988), 1:xxxi (hereafter cited as CRW).

[2] Sidney S. Rider, *An Inquiry concerning the Authenticity of an Alleged Portrait of Roger Williams*, (Providence, 1891) (Rhode Island Historical Tracts, 2nd ser., 2) 6-31; J. Stanley Lemons, *First: The First Baptist Church in America* (Providence: Charitable Baptist Society, 2001), 7. James D. Knowles, *Memoir of Roger Williams, the Founder of the State of Rhode-Island* (Boston, 1834), xv; J. Lewis Diman, "Address at the Unveiling of the Monument to Roger Williams in the City of Providence, October 16, 1877," in Diman, *Orations and Essays: With Selected Parish Sermons* (Boston: Houghton, Mifflin, 1882), 109; James E. Ernst, *The Political Thought of Roger Williams* (Seattle: University of Washington Press, 1929), 21; Edwin S. Gaustad, *Liberty of Conscience: Roger Williams in America* (Valley Forge, PA: Judson, 1999), xiii.

Note on Quotations, Citations, and Dates

[1] Sidney S. Rider, *The Forgeries Connected with the Deed Given by the Sachems Canonicus and Miantinomi to Roger Williams of the Land on*

Which the Town of Providence Was Planted (Providence, 1896) (Rhode Island Historical Tracts, 2nd ser., 10), 22; Sydney V. James, *Colonial Rhode Island: A History* (New York: Charles Scribner's Sons, 1975), 386.

[2] As to the defects of volume 6 of *CWRW*, see LaFantasie, "Roger Williams and His Papers," in *CRW*, 1:lxii-lxvii. Although volumes 1-5 and 7 of *CWRW* contain excellent reprints of Williams's original writings, the editorial comments in volumes 1-5 (first written and published in the nineteenth century) are sometimes dated and inaccurate, and I also disagree with some of the interpretations in the editorial comments in volume 7 (first written and published in 1963).

[3] G. K. Fortescue, preface to *Catalogue of the Pamphlets, Books . . . Collected by George Thomason, 1640-1661*, ed. G. K. Fortescue, 2 vols. (London, 1908), 1:iii-v, xxi-xxii (hereafter cited as *Thomason Catalogue*); Michael Braddick, *God's Fury, England's Fire: A New History of the English Civil Wars* (London: Allen Lane, 2008), 600.

[4] *Thomason Catalogue*, cited in the preceding endnote; cf. *CRW*, 2:276 (editorial note). I follow Braddick, *God's Fury*, 600, in using the "Thomason Date" nomenclature.

Prologue

[1] RW to Major John Mason and Governor Thomas Prence, June 22, 1670, in *CRW*, 2:610-11. Salem was in the Massachusetts Bay colony. These events are elaborated in Chapter 2, *infra*.

[2] Oscar S. Straus, *Roger Williams: The Pioneer of Religious Liberty* (New York, 1894), 233.

Chapter 1. Old England: Roger Williams's Early Years

[1] *CRW*, 1:358 (some commas added).

[2] James Ernst made perhaps the definitive analysis establishing 1603 as Williams's year of birth in *Roger Williams: New England Firebrand* (New York: Macmillan, 1932), 6. Many other historians have also concluded that 1603 was the probable or approximate year. E.g., Emily Easton, *Roger Williams: Prophet and Pioneer* (Boston: Houghton Mifflin, 1930), 4-5; Ola Elizabeth Winslow, *Master Roger Williams: A Biography* (1957; repr., New York: Octagon Books, 1973), 14-15, 294n10; Perry Miller, *Roger Williams: His Contribution to the American Tradition* (New York: Atheneum, 1953), 19; Perry Miller, "Roger Williams: An Essay in Interpretation," in *CWRW*, 7:12; L. Raymond Camp, *Roger Williams, God's Apostle of Advocacy: Biography and Rhetoric* (Lewiston, NY: Edwin Mellen, 1989), 1; Gaustad, *Liberty of Conscience*, 5; Edmund S. Morgan, *Roger Williams: The Church and the State*, new ed. (New York: W. W. Norton, 2006), 6; John M. Barry, *Roger Williams and the Creation of the American Soul: Church, State, and the Birth of Liberty* (New York: Viking, 2012), 10. Writing in the early nineteenth century, however, Professor James D. Knowles quoted from a May 21, 1819 letter of Theodore Foster, a former U.S. Senator from Rhode Island who spent many of his post-political years collecting and analyzing Rhode Island historical documents, as follows: "From Mr. Williams's writings, it appears that he was born in 1599." Knowles, *Roger Williams*, 430; cf. ibid., 23. The Foster letter did not cite any writing of Roger Williams that allegedly referenced 1599 as the exact year of his year of birth. However, Foster did cite the Baptist pastor and historian Isaac Backus, who exhaustively researched the primary sources available to him regarding Roger Williams. Backus, writing during the American War for Independence, stated that Williams was eighty-four years old when he died in 1683. *History of New England, With Particular Reference to the Denomination of Christians Called Baptists* . . . (Boston, 1777), 1:515. Although Backus adduced convincing documentary evidence of the year of

Williams's death, he did not reference any evidence establishing that Williams was eighty-four years old at the time of his death. In the late nineteenth century, American diplomat Oscar S. Straus reasoned from his analysis of the then available evidence that Williams was born in 1607. Straus, *Roger Williams*, 8-11. In the early twentieth century, Edmund J. Carpenter concluded, based on research by Almon D. Hodges Jr., that Williams was born in or about 1604. Carpenter, *Roger Williams: A Study of the Life, Times and Character of a Political Pioneer* (New York: Grafton, 1909), 11. A twentieth-century editor of Roger Williams's correspondence stated, on the basis of a 1632 letter of Roger Williams to John Winthrop, that "it would seem that he was born sometime between 1603 and 1605." LaFantasie, *CRW*, 1:11n9; RW to John Winthrop, 1632, in ibid., 8. On February 7, 1677/78, Williams stated that he was "aged about seventie five years," thus making 1603 the approximate year of his birth. Howard M. Chapin, *Documentary History of Rhode Island*, 2 vols. (Providence: Preston and Rounds, 1916, 1919), 1:68 (hereafter cited as *DHRI*).

[3] Church Society, text of "Act of Uniformity 1559," accessed July 19, 2012, http://www.churchsociety.org/issues_new/church/legal/iss_church_legal_uniformity1559.asp. Elizabethan developments are discussed in G. R. Elton, *England under the Tudors*, 3rd ed. (New York: Routledge, 1991), 262-91, 309-22; John Coffey, *Persecution and Toleration in Protestant England, 1558-1689* (Harlow, UK: Longman, 2000), chap. 4; and J. Roger Lockyer, *Tudor and Stuart Britain, 1485-1714*, 3rd ed. (Harlow, UK: Pearson Longman, 2005), chap. 8. See also David Hume's controversial work *The History of England* (1778; repr., Indianapolis: Liberty Fund, 1983), vols. 3-6; cf. John Baxter, *A New and Impartial History of England . . .* (1796; repr., Farmington Hills, MI: Gale ECCO, 2010), 245-551. Although Hume was personally a religious skeptic who was occasionally accused of heresy, he strongly supported the established church and the monarchy as a means of political and social

control, and he expressed his opposition to what he characterized as Puritan fanaticism. Thomas Jefferson called Hume "the great apostle of toryism" and "this degenerate son of science, this traitor to his fellow man" for opposing the concept of popular sovereignty. TJ to Major John Cartwright, June 5, 1824, in *Thomas Jefferson: Writings*, ed. Merrill D. Peterson (New York: Library of America, 1984), 1491 (hereafter cited as *Jefferson: Writings*). Nevertheless, as Jefferson himself acknowledged, Hume's *History* revealed many interesting facts, which were derived from Hume's research conducted while he was librarian of the large collection of books and manuscripts at the Faculty of Advocates of the Scottish College of Justice. As an antidote to Hume's Toryism, Jefferson recommended Baxter's *History*, which plagiarized many portions of Hume's *History* while purging other portions of Toryism. TJ to John Norvell, June 14, 1807, in *Jefferson: Writings*, 1228-29. More recent histories of the Tudor and Stuart eras include Lockyer, *Tudor and Stuart Britain*; Coffey, *Persecution and Toleration*; Blair Worden, *The English Civil Wars: 1640-60* (London: Phoenix, 2009); Braddick, *God's Fury*; and Antonia Fraser, *Cromwell: The Lord Protector* (New York: Grove, 1973).

[4] Pope Pius V, Bull against Elizabeth, April 27, 1570, accessed August 30, 2014, http://www.tudorplace.com.ar/Documents/BullagainstElizabeth.htm. Elton presented a balanced discussion of these developments, observing that England had persecuted English Catholics in the years leading up to the bull but also showing that the bull ended any hope of Elizabeth for an accommodation with the English Catholics. Elton, *England under the Tudors*, 303-5.

[5] Elton, *England under the Tudors*, 305-8; Coffey, *Persecution and Toleration*, 81-92.

[6] Elton, *England under the Tudors*, 308-9.

[7] Pope Sixtus V, "A Declaration of the Sentence and deposition of Elizabeth, the usurper and pretensed Quene of Englande"

(Antwerp, 1588) (available on EEBO); Elton, *England under the Tudors*, 357-76.

[8] British historian John Coffey summarized the real or imagined Catholic plots against Tudor and Stuart England in *Persecution and Toleration*, 38-39.

[9] Winslow, *Master Roger Williams*, 3-94.

[10] Mary Lee Settle, *I, Roger Williams: A Fragment of Autobiography* (New York: W. W. Norton, 2001).

[11] Winslow, *Master Roger Williams*, 19-34; Camp, *Roger Williams*, 9 ("Smithfield, a historical center of witchburning and criminal execution, was also where the government burned books which it did not want the populace to read"); Bernard Bailyn, *The Barbarous Years: The Peopling of British North America; The Conflict of Civilizations, 1600-1675* (New York: Alfred A. Knopf, 2012), 42 ("The fires of Smithfield and other places of execution burned deep into the awareness of sixteenth- and early seventeenth-century English people"). As to the nineteenth-century controversy over the identity of the young Roger Williams and how that controversy was decisively resolved, see Straus, *Roger Williams*, 5-8, and Carpenter, *Roger Williams*, 4-21; see also Winslow, *Master Roger Williams*, 9-14. The earlier belief was that Williams came from Wales and went to the University of Oxford. E.g., Romeo Elton, *Life of Roger Williams* (London, 1852), 8-9. Although this view was demonstrated to be incorrect in the late nineteenth and early twentieth centuries, it is sometimes resurrected, perhaps unknowingly, in later publications. For example, Bailyn, as late as 2012, referred to Williams as "country-bred" notwithstanding the proven facts that Williams was born and raised in London and spent only a short period in the country as a private chaplain immediately before emigrating to New England in 1631. Bailyn, *Barbarous Years*, 465; cf. Winslow, *Master Roger Williams*, 9-94 (including endnote documentation); Perry Miller, "Roger Williams: An Essay in Interpretation," in *CWRW*, 7:12 (Williams "was born in London, not in Wales, and was a city boy").

[12] RW to John Whipple Jr., August 24, 1669, in *CRW*, 2:601, 608n47. On another occasion Williams referred to Bradford as "blessed John Bradford . . . ." RW, *George Fox Digg'd out of his Burrowes* . . . . (Boston, 1676), 236 (*CWRW*, 5:236) (hereafter cited as *GFDB*).

[13] RW, "To the People called Quakers," in *GFDB*, unpaged front matter (*CWRW*, unpaged front matter); cf. RW to John Throckmorton, ca. July 23, 1672, in *CRW*, 2:664 ("amongst *Jews* and *Turks*, *Papists* and *Protestants* and *Pagans* (with all of which I have conversed)").

[14] RW to John Winthrop, between July and December 1632, in *CRW*, 1:8.

[15] Some of Roger Williams's letters and other writings have been lost. LaFantasie, "Roger Williams and His Papers," in *CRW*, 1:xlvii-lxvii.

[16] Camp, *Roger Williams*, vi-vii, 2, 11-19, 26; Winslow, *Master Roger Williams*, 25, 35-42. For Captain John Smith and his sometimes un-Christian exploits in America and elsewhere, see Bailyn, *Barbarous Years*, 48-49, 54-60.

[17] Williams mentioned in his last published work that he had known shorthand since childhood. *GFDB*, 131 (*CWRW*, 5:131). RW's shorthand notations appear on some of his correspondence. *CRW*, 1:lxxiii-lxxiv (editorial note); RW to the General Court Delegates of Providence, ca. May 1647, in *CRW*, 1:229 (photocopy of the shorthand in same in ibid., between 144 and 145); *CRW*, 233n14; RW to Town of Providence, between December 6, 1661, and March 1661/62, in *CRW*, 2:525 (source note, referencing photocopy of RW's shorthand in ibid., between 624 and 625); RW to Daniel Abbott Jr., June 23, 1686, in *CRW*, 773 (source note, referencing photocopy of RW's shorthand in ibid., between 624 and

625); RW to Town of Providence, December 8, 1680 (source note, referencing RW's shorthand on the verso of this letter). Recently, a theological essay that RW wrote in shorthand sometime during the last few years of his life has been deciphered and published. Linford D. Fisher, J. Stanley Lemons, and Lucas Mason-Brown, *Decoding Roger Williams: The Lost Essay of Rhode Island's Founding Father* (Waco, TX: Baylor University Press, 2014) (hereafter cited as *Decoding Roger Williams*), 71-111; for an explanation of Williams's shorthand system, see ibid., 5-17. See also Winslow, *Master Roger Williams*, 43-48; Camp, *Roger Williams*, vii, 19-21, 24. It has often been thought that Williams came to the attention of Sir Edward Coke when Williams was taking shorthand notes of a sermon at St. Sepulchre Church. Camp says that Coke was a member of the St. Sepulchre parish, who, as a result of his wealth, "sat at the front of the church . . . ." *Roger Williams*, 13. Winslow states that Coke was "an occasional worshipper" at the church. *Master Roger Williams*, 43. However, a biographer of Coke states that he attended St. Andrew's Church and St. Dunstan's Church; the biography does not mention St. Sepulchre or Roger Williams. Catherine Drinker Bowen, *The Lion and the Throne: The Life and Times of Sir Edward Coke (1552-1634)* (Boston: Little, Brown, 1957), 121, 125, 342, 345. Nevertheless, Coke may have started attending St. Sepulchre just before he met Williams as a result of Coke's removal by James I from the position of chief justice of the Court of King's Bench in 1616 and Coke's consequent presumed embarrassment in continuing to attend St. Dunstan's Church, where the chief justice and other justices of the King's Bench routinely worshipped. "In St. Dunstan's Church on Sunday mornings it was [now] Montague [not Coke] who sat upon green cushions with the [judicial] Brethren." Ibid., 390. Although the details of Williams's employment with Coke are unknown, the fact of such employment is certain.

[18] Camp, *Roger Williams*, chap. 2; Winslow, *Master Roger Williams*, 43-49. Some of the details of Camp's and Winslow's accounts are somewhat speculative, especially considering Williams's young age at the time. The actual details of Coke's employment of Williams are unknown. Additionally, in attempting to date Williams's employment with Coke, Winslow asserted that Coke was sent to the Tower of London on three occasions: in 1617, in 1621-22, and in 1623; she estimated that Williams was employed by Coke sometime between the 1617 and 1621 imprisonments. *Master Roger Williams*, 46, 48, 51. But Winslow cites no evidence that Coke was in the Tower in 1617 and 1623, and I can find no such evidence from other sources. Barry agrees that Williams probably worked for Coke from about 1617 to about 1621, but he does not mention any incarceration of Coke other than that of 1621-22. *Roger Williams*, 42-57. Steve Shepard agreed that Coke was in the Tower for several months in 1621-22 but did not identify any other incarcerations. Sheppard, "Chronology of Events," in *The Selected Writings and Speeches of Sir Edward Coke*, ed. Steve Sheppard, 3 vols. (Indianapolis: Liberty Fund, 2003), 1:lxvii-lxi (hereafter cited as *Coke Selected Writings*). Shepard believed that Coke employed Williams *after* Coke obtained Williams's admission to the Charterhouse School (Sutton's Hospital) on June 21, 1621. Ibid., lix-lx. However, it appears from the handwritten note of Coke's daughter quoted above that Williams worked for Coke *before* Williams entered Charterhouse. Winslow, *Master Roger Williams*, 47 (photocopy of the original of Ann Sadleir's note). Winslow agreed with Sheppard that Williams was admitted to Charterhouse on June 25, 1621. Ibid., 51 (citing documentary evidence). Bowen (who did not mention Williams) stated that Coke was held in the Tower for nearly seven months before his release in August 1622. *The Lion and the Throne*, 454-57, 632n

(citing documentary evidence for this and related events in her endnote for page 454, line 13). Bowen did not mention any other incarceration of Coke.

[19] Winslow, *Master Roger Williams*, 47 (photocopy of original).

[20] *CRW*, 1:358 (some commas added).

[21] RW to Major John Mason and Governor Thomas Prence, June 22, 1670, in *CRW*, 2:616.

[22] RW to Anne Sadleir, ca. Winter 1652/53, in *CRW*, 1:374. Since Coke had died in 1634 and Charles I was executed in 1649, Williams was probably referring to Revelation 6:9-10 when he included Coke as one of those who would "rise up shortly and cry for vengeance" (see the discussion of this millennial notion in Appendix D).

[23] *John Adams: Revolutionary Writings, 1755-1775*, ed. Gordon Wood (New York: Library of America, 2011), 148, 224-26, 253, 259, 261, 272-73, 548, 550-51, 553, 575-76, 581, 598-601.

[24] In a February 17, 1826 letter to James Madison, Jefferson wrote: "You will recollect that before the revolution, Coke['s treatise] on Littleton was the Universal elementary book of Law students, and a sounder whig never wrote, nor of profounder learning in the orthodox doctrines of the British constitution, or in what were then called English liberties. You remember also that our lawyers were then all Whigs." *The Republic of Letters: The Correspondence between Thomas Jefferson and James Madison 1776-1826*, ed. James Morton Smith, 3 vols. (New York: W. W. Norton, 1995), 3:1965 (hereafter cited as *Jefferson-Madison Correspondence*). The political term "Whig" was not actually used until more than forty years after Coke's death, and the word thereafter went through changes in historical meaning. By "Whig," Jefferson meant, in the American context, a follower of the principles that became enshrined in the Declaration of Independence and in the U.S. Constitution and Bill of Rights—principles that Jefferson believed were foreshadowed

by Coke's judicial decisions, legal scholarship, and parliamentary actions.

[25] Bernard Bailyn, *The Ideological Origins of the American Revolution* (Cambridge, MA: Harvard University Press, 1967), 30-31; Scott Douglas Gerber, *To Secure These Rights: The Declaration of Independence and Constitutional Interpretation* (New York: New York University Press, 1985), 105 (James Otis), 239n47 (George Wythe). In *United States v. Burr*, U.S. Supreme Court Chief Justice John Marshall (while sitting on the Circuit Court for the District of Virginia under Judiciary Act jurisdictional provisions operative at that time) repeatedly cited Coke on the legal test for treason. 25 F. Cas. 55, 160, 163, 171 (C.C.D. Va. 1807) (No. 14,693). Marshall also cited Coke on other occasions, including in an anonymous newspaper article in 1819 that defended Marshall's Opinion of the Court in *McCulloch v. Maryland*, 17 U.S. 316 (1819). [John Marshall], "A Friend of the Constitution No. III," in *John Marshall: Writings*, ed. Charles F. Hobson (New York: Library of America, 2010), 478-487.

[26] Camp, *Roger Williams*, chap. 3; Winslow, *Master Roger Williams*, 51-54.

[27] Winslow, *Master Roger Williams*, 54-73; Camp, *Roger Williams*, 66-82.

[28] Although no evidence remains of Roger Williams's actual experiences at Charterhouse and Cambridge, the course of study in the typical grammar school of that time as well as the curriculum at Cambridge are elaborated with copious documentation in William T. Costello, *The Scholastic Curriculum at Early Seventeenth-Century Cambridge* (Cambridge, MA: Harvard University Press, 1958), 13-14, 32, 35, 41-45, 61-66, 146-49; see also Winslow, *Master Roger Williams*, 35-42 (pre-Charterhouse grammar school), 56-62 (Cambridge); Camp, *Roger Williams*, 14-19 (pre-Charterhouse grammar school), 43-81 (Charterhouse and Cambridge). Williams may also have studied Hebrew at Cambridge. Costello,

Scholastic Curriculum, 44. Williams "also won a prestigious scholarship from the university for his mastery of Hebrew, Greek, and Latin." Barry, *Roger Williams*, 58; Camp, *Roger Williams*, 67-68. As an adult, Williams was proficient in Greek, Latin, Hebrew, Dutch, and French. RW to John Winthrop Jr., July 12, 1654, in *CRW*, 2:393. He may have learned Dutch and perhaps French while growing up in a London neighborhood that was inhabited by many Dutch immigrants. Winslow, *Master Roger Williams*, 30-31; Camp, *Roger Williams*, 7. Camp speculates that Williams might have learned Dutch from his mother, whose brother had a cloth weaving business that employed Dutch immigrants. Camp, *Roger Williams*, 19. During his early years in New England, Williams also became adept at one or more dialects of the Algonquian Native American language, and he published a book about that language during his first return trip to England. RW, *A Key into the Language of America* . . . (London, 1643).

[29] Winslow, *Master Roger Williams*, 61. Barry claims that Williams was influenced by Bacon's scientific methodology, but he does not cite any specific evidence of such influence. Barry, *Roger Williams*, 50, 58-59, 144, 221, 320. Williams appears to have read Bacon's *History of Henry VII* and Bacon's *Essays*, neither of which involved Bacon's scientific method. Samuel L. Caldwell observed a similarity between Williams's comment about King Henry VII in *The Bloody Tenent Yet More Bloody* and Bacon's evaluation of Henry VII in his *History*. *CWRW*, 4:21n1. Williams also referred to Bacon's following remark in the latter's third essay ("Of Unity in Religion"): "it was a notable Observation of a wise Father, And no lesse ingenuously confessed; *That those, which held and perswaded, pressure of Consciences, were commonly interessed therein themselves for their owne ends.*" Bacon, *The Essayes or Counsels, Civill and Morall, of Francis Lo. Verulam, Viscount St. Alban*, newly written (London, 1625), 19 (this language did not appear in earlier editions; thus, Williams owned or consulted the 1625 edition or a later edition). [RW], "To the

Right Honourable, both Houses of the High Court of Parliament," in *The Bloudy Tenent, of Persecution, for cause of Conscience, discussed, in a Conference betweene Truth and Peace*. . . . (London, 1644), unpaged front matter (*CWRW*, 3:8-9) (hereafter cited as *BT*); [RW], *The Examiner defended, in A Fair and Sober Answer to The Two and twenty Questions which lately examined the Author of Zeal Examined*. . . . (London, 1652), 62-63 (*CWRW*, 7:253). Although no evidence exists that Williams ever mentioned Bacon's scientific methodology, Williams was, as Barry mentioned, a friend of John Winthrop Jr., who was very much interested in what we now call science and technology and from whom Williams borrowed books. Barry, *Roger Williams*, 144, 202, 370, 383; Walter W. Woodward, *Prospero's America: John Winthrop, Jr., Alchemy, and the Creation of New England Culture, 1606-1676* (Chapel Hill: University of North Carolina Press, 2010), chaps. 1-3, 5-8 passim. Nevertheless, the surviving correspondence between Williams and the younger Winthrop does not reflect any exchange of books or information addressing Baconian scientific methodology. See the numerous letters between Williams and John Winthrop Jr. collected in *CRW* (cited in index references for "Winthrop, John Jr." at *CRW*, 2:865).

[30] Costello, *Scholastic Curriculum*, 107-8, 149-50.

[31] Gaustad, *Liberty of Conscience*, 18. Gaustad did not cite any evidence of Williams's ordination, and I cannot find corroboration of it elsewhere. However, it seems likely that Williams was so ordained sometime around the end of his studies at Cambridge (1628-29). Carpenter stated, also without specifying his source, that Williams was "admitted to holy orders about the year 1628." *Roger Williams*, 14. Camp remarked that "[i]t is difficult to know whether Williams was admitted to orders," but he argued that circumstantial evidence indicates that he was ordained. Camp, *Roger Williams*, 112-13. Diman inferred from the fact that John Winthrop called Williams a "godly minister" upon Williams's arrival in New England (see

Chapter 2, below) that Williams was probably ordained in England. Diman, "Address . . . October 16, 1877," in *Orations and Essays*, 112.

[32] "East Anglia was the heart of that region of England stretching from London and Kent north and east through Lincolnshire where dissenting zeal was traditionally strongest and most articulate." Richard P. Gildrie, *Salem, Massachusetts, 1626-1683: A Covenant Community* (Charlottesville: University Press of Virginia, 1975), 28.

[33] Camp, *Roger Williams*, 82-85, 99-105; Winslow, *Master Roger Williams*, 74-81; Barry, *Roger Williams*, 73-78. Certain personal and pastoral matters involving Roger Williams during this period are beyond the scope of this book. For these developments, see *CRW*, 1:1-8 (two 1629 letters of Roger Williams to Lady Joan Barrington—mother-in-law of Sir William Masham—and editorial commentary regarding same); Camp, *Roger Williams*, 85-99 (excellent discussion of the historical context of these letters, especially the fact that Roger Williams was fulfilling his expected role as a Puritan family chaplain in counseling Lady Barrington about her apparently imminent death; contrast Bailyn's unsympathetic and perhaps anachronistic view in *Barbarous Years*, 396). Cromwell's later historical actions and interactions with Williams are discussed below.

[34] Edmund S. Morgan, *The Puritan Dilemma: The Story of John Winthrop*, 3rd ed. (New York: Pearson Longman, 2007), 41-50; *The Journal of John Winthrop, 1630-1649*, ed. Richard S. Dunn, James, James Savage, and Laetitia Yeandle (Cambridge, MA: Belknap Press of Harvard University Press, 1996), 34, 44-45 (hereafter cited as *Winthrop Journal*); Camp, *Roger Williams*, 105-111; Winslow, *Master Roger Williams*, 86-95. In a later work, Roger Williams referred to his discussion with John Cotton and Thomas Hooker during a horseback ride to Sempringham (a parish in Lincolnshire). *The Bloody Tenent Yet More Bloody: By Mr Cottons Endevour to Wash*

It White in the Blood of the Lambe . . . . (London, 1652), 12 (*CWRW*, 4:65-66) (hereafter cited as *BTYMB*).

[35] RW to Lady Joan Barrington, ca. April 1629, in *CRW*, 1:2.

[36] RW to John Cotton Jr. March 25, 1671, in *CRW*, 2:630.

Chapter 2. Roger Williams Versus the Massachusetts Bay Theocracy (1631-36)

[1] Cotton Mather, Magnalia Christi Americana, or The Ecclesiastical History of New England from Its First Planting, in the Year 1620, unto the Year of Our Lord 1698 (London, 1702), bk. 7, chap. 2, § 2.

[2] "The Protestants maintain that the *Pope* or *Papacy* is the great Antichrist . . . ." RW, *GFDB*, 428 (*CWRW*, 5:428). "Chiefly for this cause do all true protestants account the pope antichrist, for that he assumes to himself this infallibilitie over both the conscience and the scripture . . . ." John Milton, *A Treatise of Civil power in Ecclesiastical causes Shewing That it is not lawfull for any power on earth to compel in matters of Religion* (London, 1659), 9-10. "The fact that almost all Protestants before the Laudians believed that the Pope was the Antichrist reinforced their commitment to harsh anti-papal policies." Coffey, *Persecution and Toleration*, 29. Martin Luther initiated the view of early Protestantism that the institution of the papacy was the Antichrist. Martin E. Marty, *Martin Luther: A Life* (New York: Penguin, 2008), Kindle ed., loc. 709-711, 2101-15, 2178-80. See also Fraser, *Cromwell*, 17, 486, 617-18; Edmund S. Morgan, *Inventing the People: The Rise of Popular Sovereignty in England and America* (New York: W. W. Norton, 1988), 18. The term "Antichrist" in 1 and 2 John is often conflated with the term "Beast" in Revelation, but the word "Antichrist" is absent in Revelation. The terms "Papists" and "Antichristians" appear regularly throughout Puritan literature as synonyms for Roman Catholics, including in many of the seventeenth-century writings

cited in the present book. As to the Antichrist meme in American history, see Robert C. Fuller, *Naming the Antichrist: The History of an American Obsession*, new ed. (Oxford: Oxford University Press, 1996).

[3] [RW], *BT*, 38, 153-54, 191 (*CWRW*, 3:93, 274, 335); RW, *BTYMB*, 54, 258-59, 289 (*CWRW*, 4:126, 480, 433-34); RW, *Christenings make not Christians* . . . (London, 1645 [1646, Gregorian calendar]), 5-11 (*CWRW*, 7:33-36). Cf. RW, *GFDB*, 272-73 (*CWRW*, 5:272-73) (accusing Quakers of "Antichristian Worship"); *ibid.*, 429 (*CWRW*, 5:429) (stating "there were many Antichrists" in the days of John and implicitly equating "false Teachers" with the term "Antichrist"). Williams used the term "Antichrist" in a more scripturally precise sense than many of his contemporaries. The First Epistle of John stated that "as you have heard that the Antichrist is coming, even now many antichrists have come, by which we know that it is the last hour." The "many antichrists" were persons who had been part of the Christian congregations but had later left them. 1 John 2:18-19 (NKJV). The person who "denies that Jesus is the Christ . . . is antichrist who denies the Father and the Son." 1 John 2:22 (NKJV). Again, "every spirit that does not confess that Jesus Christ has not come in the flesh is not of God. And this is the *spirit* of the Antichrist, which you have heard was coming, and is now already in the world." 1 John 4:3 (NKJV). The Second Epistle of John similarly defines "an antichrist" or "the antichrist" as a deceiver who has "gone out in the world who do[es] not confess Jesus Christ as coming in the flesh." 2 John 7 (NKJV). Williams evidently believed, like some others in the seventeenth century, that "persecution was one of the hallmarks of the Beast of Revelation" and that "the Beast could take Protestant as well as popish forms." Coffey, *Persecution and Toleration*, 211.

[4] *Winthrop Journal*, 137, 158. Cf. RW to John Winthrop, early May1638?, in *CRW*, 1:154 (referring to "our differences concerning the worship of God and the Ordinances ministred by Antichrists

power"); RW to John Cotton Jr., March 25, 1671, in *CRW*, 2:628 ("I first withdrew Communion from Your Selves [Massachusetts Bay churches] for halting betweene Christ and Antichrist, the Parish Churches [governmental churches organized by territorial districts] and Christian Congregations").

[5] "In seventeenth-century minds the Bible was the first guide to the understanding of current events. It offered not merely typologies for their interpretation but divinely ordained parallels which pointed observers of them to God's purposes." Blair Worden, *Literature and Politics in Cromwellian England: John Milton, Andrew Marvell, Marchamont Nedham* (Oxford: Oxford University Press, 2007), Kindle ed., loc. 609-610. "[S]eventeenth-century men and particularly Puritans used religious symbols as the core of their thought and conceived of most of their differences within its terminology." Gildrie, *Salem*, 28.

[6] "In Puritan politics, intentions and images were conveyed by biblical allusions and analogies." Worden, *Literature and Politics in Cromwellian England*, Kindle loc. 2143-44. One scholar has characterized John Milton's rhetorical procedure as follows: "Like Machiavelli, Milton was trained in classical rhetoric. He had read and taken to heart what Aristotle, Cicero, and Quintilian had had to say. He generally understood his immediate audience very well, and for sound rhetorical reasons he always couched his argument initially with an eye to what he took to be their abiding concerns. For this reason, in his early pamphlets, he addressed the question of ecclesiastical polity first and foremost on the basis of an appeal to the sanction of Scripture and, then, by means of an extended meditation on the history of the Christian church." Paul A. Rahe. *Against Throne and Altar: Machiavelli and Political Theory Under the English Republic* (Cambridge: Cambridge University Press, 2008), Kindle ed., loc. 1546-49. Milton was a student at Christ's College at the University of Cambridge from April 1625 until March 1629, when he received his undergraduate degree, and from 1629 to 1632, when he received his Master of

Arts degree. Barbara K. Lewalski, *The Life of John Milton*: *A Critical Biography* (Malden, MA: Blackwell, 2003), 17, 34-35, 45. As explained in Chapter 1, Roger Williams attended the University of Cambridge at Pembroke Hall from 1623 or 1624 to July 1627, when he received his A.B. degree and then continued there for postgraduate work for about another eighteen months. Although there is an overlap in their attendance at Cambridge, Milton and Williams were in different colleges, and no evidence exists that they knew each other at this time. However, their curricula would have been quite similar. See the discussion in Chapter 1 (including endnotes) of Williams's years at Cambridge; compare Rahe, above, and Lewalski, *Milton*, 20.

[7] Chapter 1, *supra*; John R. H. Moorman, *A History of the Church in England*, 3rd ed. (Harrisburg, PA: Morehouse, 1980), Kindle ed., loc. 884-99, 2195-2205, 4400-3, 5922-24, 6061-64; William Haller, *The Rise of Puritanism* . . . (New York: Harper Torchbooks, 1957), 10-11, 80; Lawrence Shaw Mayo, *John Endecott: A Biography* (Cambridge, MA: Harvard University Press, 1936), 33-34.

[8] Chapters 4-5, 7, *infra*; Appendix D; Moorman, *History of Church in England*, Kindle loc. 4398-403, 5000-1, 5017-5018; Haller, *Rise of Puritanism*, 16.

[9] See the discussions below in the present chapter and the discussions in Chapters 4, 5, and 7 and Appendix D. See also Moorman, *History of Church in England*, Kindle loc. 5003-12; Haller, *Rise of Puritanism*, 16-17. Haller observed: "A left wing grew out of separatism into the baptist congregations, which fell into heresy upon the doctrine of election itself. Beyond these arose in time still further sects, baptist for the most part in provenience and even more wildly heretical in doctrine: millenarians, seekers, ranters, quakers, Muggletonians and what not." Haller, *Rise of Puritanism*, 17.

[10] See the following discussions and documentation in the present and later chapters and appendices. See also Haller, *Rise of Puritanism*, 16-17.

[11] The present book discusses the history of the conflict between Roger Williams, a radical Separatist, and the official Nonseparating Congregationalism of Massachusetts Bay, Connecticut, and New Haven. For details of the Nonseparating Congregationalist system as it evolved in New England, see Appendix B and the discussion below in the present chapter; see also William Hubbard, *A General History of New England from the Discovery to 1680*, 2nd ed., collated with the original manuscript, ed. William T. Harris (Boston, 1848), 181-89. For developments in England, see Chapters 4, 5, and 7 and Appendix D; see also Worden, *English Civil Wars*, 82, 159 (episcopal system of the Church of England not operative between 1646 and 1661); Moorman, *History of Church in England*, Kindle loc. 4975-87 (stating that the Anglican system in the Church of England was ended in 1644 "wherever Parliament could make its will obeyed"); *CWRW*, 2:134n48 (discussing similar developments).

[12] Brooks Adams, *The Emancipation of Massachusetts: The Dream and the Reality*, rev. and expanded edition (Boston: Houghton Mifflin, 1919), 265-66.

[13] Perry Miller, *Errand into the Wilderness* (Cambridge, MA: Belknap Press of Harvard University Press, 1984), 99-140.

[14] Richard Middleton, *Colonial America: A History, 1565-1776*, 3rd ed. (Oxford, UK: Blackwell, 2002), 48.

[15] Perry Miller, *Errand into the Wilderness*, 104-6.

[16] Ibid., 106.

[17] These developments are discussed in Chapter 9.

[18] William Bradford, who was often governor of the later Pilgrim settlement in America, described the English government's persecution of these Separatists before they moved to Holland: "For some were taken and clapped up in prison, others had their houses beset and watched night and day, and hardly escaped their hands; and the most were fain to flee and leave their houses and habitations, and the means of their livelihood." William Bradford,

Of Plymouth Planation, 1620-1647, ed. Samuel Eliot Morrison (New York: Alfred A. Knopf, 1952), 10 (ACLS Humanities E-Book (2011), Kindle ed., loc. 749-51, 758).

[19] Bradford's *Of Plymouth Plantation* is the classic early history of this colony. See also *Mourt's Relation: A Journal of the Pilgrims at Plymouth*, ed. Dwight B. Heath (1622; repr., Bedford, MA: Applewood Books, 1963); Edward Winslow, *Good Newes from New England: A True Relation of Things Very Remarkable at the Plantation of Plimoth in New England* (1624; repr., Bedford, MA: Applewood Books, n.d.). Not many scholarly books on Plymouth exist. For a well-researched study of Plymouth's history, government, and individual personages (with an emphasis on genealogy), see Eugene Aubrey Stratton, *Plymouth Colony: Its History and People, 1620-1691* (Provo, UT: Ancestry Publishing, 1986). The incorporation of Plymouth into Massachusetts in 1691-92 is discussed in ibid., 136-37.

[20] Joseph B. Felt, *Annals of Salem*, 2nd ed., vol. 1 (Boston, 1845), 38-41; Charles M. Andrews, *The Colonial Period of American History: The Settlements*, 3 vols. (1934; repr., Safety Harbor, FL: Simon Publications, 2001), 1:329-64; Mayo, *Endecott*, 8-14; Gildrie, *Salem*, 1-6. Andrews's account of the religious proclivities of the Old Planters appears inconsistent. Compare Andrews, *Colonial Period*, 361n3 and 379 (most of the Old Planters were Anglicans who "demanded service according to the [Anglican] Book of Common Prayer" and "prefer[red] the liturgy and polity of the Church of England") with ibid., 377 (the Old Planters "were non-conformists who had no desire to separate from the Church of England, but who disliked many of the forms and practices of the church" and "were of the same mind" as the main group of Massachusetts Bay Puritans who arrived in 1630 under the leadership of John Winthrop). Gildrie concluded that the Old Planters were "something in between" Anglicans and Puritans. Gildrie, *Salem*, 3. Roger Conant, their leader, had earlier resided as a "Particular"

(an individual settler not part of the Separatist migration) in Plymouth, where he and other Particulars had been excluded from participating in government, though subject to it. Ibid., 2-5. Religious differences as well as economic competition over fishing rights resulted in a deep hostility between the Old Planters and the Pilgrims. Ibid., 5. For an interesting study of early New England settlers, see Charles Knowles Bolton, *The Real Founders of New England: Stories of Their Life along the Coast, 1602-1628* (Boston: F. W. Faxon, 1929).

[21] Felt, *Annals of Salem*, 1:42-46; Andrews, *Colonial Period*, 1:359-63; Mayo, *Endecott*, 10-15; Gildrie, *Salem*, 5-8.

[22] Puritan congregations had two coequal ministerial officers: the pastor and the teacher. The pastor was responsible for administrative and pastoral duties. The teacher was the theoretician of the church, responsible for explicating scripture, catechizing the young, and sometimes producing religious treatises or other materials. [Richard Mather], *Church-Government and Church-Covenant Discussed* . . . (London, 1643), 76; Vergil V. Phelps, "The Pastor and the Teacher in New England," *Harvard Theological Review* 4, no. 3 (July 1911): 388-92, http://www.jstor.org/stable/1507134.

[23] Felt, *Annals of Salem*, 1:46-98; Thomas Wentworth Higginson, *Life of Francis Higginson* . . . (New York, 1891), 76-90, 109-23; Andrews, *Colonial Period*, 1:363-82; Perry Miller, *Orthodoxy in Massachusetts: 1630-1650* (Boston: Beacon Press, 1933, with 1959 preface), Kindle ed., chap. 5, Kindle loc. 2346-626; Mayo, *Endecott*, 19-48; Larzer Ziff, "The Salem Puritans in the 'Free Aire of a New World,'" *Huntington Library Quarterly* 20, no. 4 (August 1957): 373-84, http://www.jstor.org/stable/3816278; David D. Hall, "John Cotton's Letter to Samuel Skelton," *William and Mary Quarterly* 3rd ser., vol. 22, no. 3 (July 1965): 478-85, http://www.jstor.org/stable/1920458; Gildrie, *Salem*, 8-24; Slayden Yarbrough, "The Influence of Plymouth Colony Separatism on Salem: An

Interpretation of John Cotton's Letter of 1630 to Samuel Skelton," *Church History* 51, no. 3 (September 1982), 290-303, http://www.jstor.org/stable/3167119; Francis J. Bremer, *John Winthrop: America's Forgotten Founding Father* (New York: Oxford University Press, 2003), 166-67. Although these various historians have somewhat different interpretations of religious developments in the fledgling colony, the statements in the text are supported by the principal facts set forth in those sources and in the primary sources that they quote and cite.

[24] Appendix B; *Winthrop Journal*, 5n21; Hubbard, *History of New England*, 120-28, 181-82; Andrews, *Colonial Period*, 1:382-99; Bailyn, *Barbarous Years*, 365-89, 396-401, 418-19; Bremer, *John Winthrop*, 191-93.

[25] *Winthrop Journal*, 44-45.

[26] RW to John Cotton Jr., March 25, 1671, in *CRW*, 2:630.

[27] Mayo, *Endecott*, 3-5.

[28] Gildrie, *Salem*, 6; RW to Lady Joan Barrington, ca. April 1629, in *CRW*, 1:2.

[29] *Winthrop Journal*, 50. It should be noted that the word "Mr" or "Mr." (or "mr" or "mr.") in seventeenth-century England and New England was an abbreviation for the word "master," not an abbreviation for the word "mister." Thus, "Mr. Williams" would be spoken "Master Williams."

[30] Among the many intentional or inadvertent attempts over the centuries to airbrush out of history Williams's early commitment to liberty of conscience/separation of church and state, on the one hand, and Massachusetts Bay's concurrent negative reaction to Williams as a result of that position, on the other, see Rev. J. Lewis Diman's March 1867 preface in *CWRW*, 2:1-8; Diman, "Address . . . October 16, 1877," in *Orations and Essays*, 115-18; William E. Foster, ed., *Early Attempts at Rhode Island History*, in *Collections of the Rhode Island Historical Society*, 34 vols. (Providence, 1827-1941), 7 (1885): 95-103 (editorial notes in apps.

1 and 2) (hereafter cited as *RIHS Collections*); W. Clark Gilpin, *The Millenarian Piety of Roger Williams* (Chicago: University of Chicago Press, 1979), 16-17; Andrew R. Murphy, *Conscience and Community: Revisiting Toleration and Religious Dissent in Early Modern England and America* (University Park: Pennsylvania State University Press, 2001), Kindle ed., Kindle loc. 216-18, 777, 3548-51, 3622-25, 2312-13. As will be discussed below, this party line originated with John Cotton, whose account is directly inconsistent with the accounts of both Winthrop and Williams.

[31] RW to John Cotton Jr., March 25, 1671, in *CRW*, 2:630.

[32] *Winthrop Journal*, 50n1.

[33] Williams later wrote that he moved from Boston to Plymouth; he did not mention any intermediate stay in Salem. RW to John Cotton Jr., March 25, 1671, in *CRW*, 2:630. Similarly, Winthrop made no mention of Williams's residing in Salem during any part of the year 1631. *Winthrop Journal*, 50. However, many secondary authorities assert, without citing any primary sources, that Williams actually spent part of 1631 in Salem before moving from there to Plymouth. E.g., *CRW* 1:13 (editorial note); Winslow, *Master Roger Williams*, 100; Knowles, *Roger Williams*, 49-50. It is difficult to locate primary-source evidence supporting this proposition. The first book of records of the First Church in Salem, which would have resolved the issue, mysteriously disappeared long ago. Carpenter, *Roger Williams*, 30-31. Carpenter accordingly concluded in 1909 that whether Williams "did, for a time [in 1631], serve [the Salem] church as teacher . . . is itself quite uncertain, although it is not improbable that he did so." Ibid., 30. Knowles, in his 1834 biography of Williams, cited the distinguished Salem Unitarian minister and historian William Bentley to support his statements that the Salem church received Williams as its minister (specifically, it would have been as its "teacher") on April 12, 1631, and that Williams moved from Salem to Plymouth by the end of that summer. Knowles, *Roger Williams*, 49-50. However, Bentley

himself did not cite any primary sources for these statements, though he mentioned in his diary that he conducted research at the Salem library for his history. William Bentley, "A Description and History of Salem," in *Collections of the Massachusetts Historical Society*, 1st ser., vol. 6 (Boston, 1800): 246-47; Bentley, diary entry for January 23, 1798, in *The Diary of William Bentley, D.D.*, vol. 2, *January, 1793-December, 1802* (Salem, MA: Essex Institute, 1907), 255. Some of Bentley's other factual averments about Williams ("History of Salem," 246-50 passim) are not entirely consistent with the primary-source material available to us today, and it is not clear whether Bentley had access to primary-source material that is no longer extant. Seventeenth-century historian William Hubbard, a vitriolic critic of Williams, was only a child in 1631 (born 1621), but he wrote a history of New England several decades later. Although Hubbard's history mentioned the 1631 Salem offer and the negative reaction of the Massachusetts Bay authorities to that offer, he did not represent that Williams spent any time in Salem that year before moving to Plymouth. Hubbard, *History of New England*, 203. The Massachusetts Bay official records reflect that a Roger Williams took the oath of freeman on May 18, 1631. *Records of the Governor and Company of the Massachusetts Bay in New England*, ed. Nathaniel B. Shurtleff, 5 vols. (Boston, 1853-54), 1:366 (hereafter cited as *Mass. Records*). Some historians assumed that Williams was living in Salem at the time. E.g., Sidney Perley, *The History of Salem, Massachusetts*, vol. 1 (Salem, 1924), 197; Gildrie, *Salem*, 25 (following Perley). However, the May 18, 1631 official list was for all Massachusetts Bay freemen, not just those of Salem. Moreover, Perley indicated that a "Roger Williams" applied for freemanship in 1630, but our Roger Williams did not arrive in New England until 1631. Perley, *Salem*, 197. Although I disagree strongly with Henry Martyn Dexter's interpretations regarding Roger Williams and others, Dexter demonstrated conclusively in the late nineteenth century that the Roger Williams

who became a Massachusetts Bay freeman was a different person from the Roger Williams who is the subject of the present book. Dexter, *As to Roger Williams and His 'Banishment' from the Massachusetts Plantation with a Few Further Words concerning the Baptists, the Quakers, and Religious Liberty* (Boston: Congregational Publishing Society, 1876), 28n110. In any event, whether or not Williams actually lived for a few months in Salem during 1631 is not of great significance. More important are the contents of the letter, quoted in the text, sent by the Massachusetts Bay authorities to Salem in April of that year.

[34] Bradford, *Of Plymouth Plantation*, 257, Kindle loc. 5469-80.

[35] Ibid., xxviii-xli, Kindle loc. 368-579 (editorial note by Samuel Eliot Morison); Stratton, *Plymouth Colony*, 330.

[36] Nathaniel Morton, *New-Englands Memoriall: A brief Relation of the most Memorable and Remarkable Passages of the Providence of God, manifested to the Planters of New-England in America; With special Reference to the first Colony thereof, Called New-Plimouth* (Boston, 1669), 78.

[37] RW to John Cotton Jr., March 25, 1671, in *CRW*, 2:630.

[38] RW to an Assembly of Commissioners, November 17, 1677?, in *CRW*, 2:750-51.

[39] *Winthrop Journal*, 82. The phenomenon of "prophesying" in early Puritan worship "was a moment when members of the congregation other than the minister rose to 'expound and apply' passages from the Bible, sometimes with much emotion." David Hackett Fischer, *Albion's Seed: Four British Folkways in America* (New York: Oxford University Press, 1989), 122; see also Edmund S. Morgan, *Visible Saints: The History of a Puritan Idea* (Ithaca: Cornell Paperbacks, 1963), 27-28, 99. LaFantasie explained the use of the term "elder" in Puritan congregations: "The governing body of each congregation, following Calvin's fourfold division of the ministry, consisted of a pastor, a teacher, elders, and deacons. The elders, usually led by a ruling elder, were lay members who enforced proper behavior among parishioners." *CRW*, 1:11n4.

William Brewster (1567-1644), an elder of the Pilgrims' church in both Holland and Plymouth, arrived in the New World with the first group of Pilgrims on the Mayflower. He was the ruling elder of the Plymouth congregation until his death. *Winthrop Journal*, 82n37; Stratton, *Plymouth Colony*, 251.

[40] Cotton Mather, *Magnalia*, bk. 2, chap. 6, § 10.

[41] Ibid.

[42] Ibid., bk. 7, chap. 2, §§ 1-11. Brooks Adams noted the prejudice that "the reverend historians of the theocracy" had against Roger Williams and other religious dissidents even as late as the closing decades of the nineteenth century. *The Emancipation of Massachusetts*, 3, 305, 307-8, 310 (citing, for example, Henry Martyn Dexter's 1876 monograph *As to Roger Williams*). The centuries-long hostility against Roger Williams became more sublimated during the twentieth century, when some historians treated Williams with condescension and belittlement rather than explicit contempt. E.g., Perry Miller, "Roger Williams: An Essay in Historical Interpretation," in *CWRW*, 7:9-15, 21-22; Clifford K. Shipton, *Roger Conant: A Founder of Massachusetts* (Cambridge: Harvard University Press, 1944), 109-10, 119-21, 134-35, 138.

[43] Neither William Bradford nor Nathaniel Morten mentioned Governor Winthrop's visit, or any "goodman" issue, in their respective historical accounts. As observed above, Winthrop discussed the visit, but not the contents of the discussion, in his journal.

[44] RW to Governor John Winthrop, in *CRW*, 1:8-9. RW did not date this letter. LaFantasie, following the nineteenth-century editor of volume six of *The Complete Writings of Roger Williams* (6:2), dates this letter between July and December of 1632, referencing an issue about whether a person should be allowed to be both a civil magistrate and a church elder at the same time. *CRW*, 1:9n1. Williams alluded to this issue, which involved Increase

Nowell (1590-1655), in his postscript to the letter. Ibid., 9, 12n14. However, the bulk of the letter is concerned with a different question: the proper minimum age for an elder. Williams indicated that Winthrop had expressed a view that the minimum age should be twenty-five. Ibid., 8. Accordingly, the minimum age issue had nothing to do with Increase Nowell, who was about forty-one years of age at the time of this letter. Moreover, as LaFantasie observes, the first sentence of the letter appears to reference the late October 1632 visit of Winthrop to Plymouth. *CRW*, 1:8, 9n3. This internal evidence suggests that the letter was written after Winthrop's visit to Plymouth. The question of the appropriate minimum age for an elder could well have been a matter that was discussed during the days that Winthrop was in Plymouth (possibly but not necessarily in the above-referenced discussion on Sunday afternoon). Additionally, although Williams's exact age remains unknown, he stated in this letter that he was at that time "neerer upwards of 30 then 25 . . . ." Ibid., 8. He was still a young man. Finally, although there is a remarkable consistency regarding many of his religious and political views throughout his long life, the subject of American Indian conversion was one on which his views appeared to change, as will be discussed later.

[45] Bradford, *Of Plymouth Plantation*, 257, Kindle loc. 1620-47.

[46] Nathaniel Morton, *New-Englands Memorial*, 78.

[47] RW to John Cotton Jr., March 25, 1671, in *CRW*, 2:630; RW, *Mr. Cottons Letter Examined*, 13 (*CWRW*, 1:340).

[48] RW to Major Mason and Governor Prence, June 22, 1670, in *CRW*, 2:611.

[49] RW to John Cotton Jr., March 25, 1671, in *CRW*, 2:630; *Winthrop Journal*, 102.

[50] *Winthrop Journal*, 95-96, 98, 100-1, 102. For the backgrounds of John Cotton and Thomas Hooker, see Bailyn, *Barbarous Years*, 389-95.

[51] *Winthrop Journal*, 102-3. Winthrop wrote that "this feare was without Cause," ibid., 103, but events soon proved otherwise. E.g., ibid., 136-37, 143; *Mass. Records*, 1:142-43; Appendix B.

[52] Ibid., 103n32.

[53] Gildrie, *Salem*, 26.

[54] *Winthrop Journal*, 107. The New England Puritans frequently used the word "patent" as a synonym for "charter." John Cotton, who arrived in September of 1633 and was one of the ministers consulted by Winthrop (*Winthrop Journal*, 109; cf. ibid., 107), later remarked: "And in [Massachusetts] Bay not long before my coming, [Williams] began to oppose the Kings Patent with much vehemency, (as he had done at *Plymouth* before;) . . . ." JC, *A Reply to Mr. Williams his Examination; And Answer of the Letters sent to him by John Cotton* (London, 1647) (bound with JC's *Bloudy Tenent Washed*), 4 (*CWRW*, 2:13) (hereafter cited as *Reply to Mr. Williams* or *Reply*). We shall refer to Roger Williams's writing at issue during these months as Williams's "lost treatise," since neither the title (if any) nor the text of this work has survived.

[55] The November 11, 1620 "Great Patent" of King James I was a predecessor of two charters granted by King Charles I: the March 4, 1628/29 Massachusetts Bay charter and the January 3, 1629/30 Plymouth charter. *The Compact with the Charter and Laws of the Colony of New Plymouth* . . . , ed. William Brigham, (Boston, 1836), 1-18 (November 11, 1620 Great Patent), 21 (January 3, 1629/30 Plymouth charter provision referencing the Great Patent) (hereafter cited as *Plymouth Laws*); *Mass. Records*, 1:3 (March 4, 1629/30 Massachusetts Bay charter provision referencing the Great Patent).

[56] *Winthrop Journal*, 107.

[57] *Winthrop Papers* (Boston, Massachusetts Historical Society, 1943), 3:146-49.

[58] Ibid., 149.

[59] *Winthrop Journal*, 106n40; Neal Salisbury, *Manitou and Providence: Indians, Europeans, and the Making of New England, 1500-1643* (New York: Oxford University Press, 1982), 176-77;. Alfred A. Cave, *The Pequot War* (Amherst: University of Massachusetts Press, 1996), 35-36. Massachusetts squatters in Connecticut even used "the Lord's waste" argument against Plymouth after Plymouth had purchased land in Connecticut from certain sachems. Cave, *The Pequot War*, 87-88. The later philosophical and scholarly debate on the nature and origin of property rights is beyond the scope of the present book.

[60] All references to and quotations from the 1620 Great Patent are based on the text in *Plymouth Laws*, 1-18. Because this volume was published in 1836, some of the spellings and punctuation were modernized.

[61] *Plymouth Laws*, 1.

[62] RW, *BT*, 131 (*CWRW*, 3:241); RW, *BTYMB*, 80, 82-83, 238 (*CWRW*, 4:163-64, 167-68, 402). See Chapter 1 for the historical background of this episode.

[63] *Plymouth Laws*, 2-4.

[64] Ibid., 10.

[65] Ibid., 17.

[66] RW, *Key*, 93 [*sic*; page numbers of original edition out of order] (*CWRW* 1:180).

[67] *Winthrop Journal*, 107.

[68] *Plymouth Laws*, 2, 3.

[69] Ibid., 3.

[70] RW to Gov. John Endecott, ca. August-September 1651, in *CRW*, 1:339.

[71] RW, *BTYMB*, 276-77 (*CWRW*, 4:461-62).

[72] *Winthrop Journal*, 109; cf. ibid., 107.

[73] JC, *Reply to Mr. Williams*, 27-28 (*CWRW*, 2:46).

[74] Ibid., 28 (*CWRW*, 2:46-47).

[75] Ibid., 28 (*CWRW*, 2:47).

[76] Salisbury, *Manitou and Providence*, 177; Christopher Hill, *The World Turned Upside Down: Radical Ideas during the English Revolution* (London: Penguin, 1975), chap. 7, esp. 128-39.

[77] JC, *Reply to Mr. Williams*, 28 (*CWRW*, 2:47).

[78] RW, *Mr. Cottons Letter Lately Printed, Examined and Answered* (London, 1644), 4 (*CWRW*, 1:324-25) (hereafter cited as *Mr. Cottons Letter Examined*).

[79] *Winthrop Journal*, 107; *Winthrop Papers*, 3:147.

[80] RW, *BT*, 89 (*CWRW*, 3:174).

[81] Ibid., 95 (*CWRW*, 3:184). For Williams's further statements along this line, see ibid., 182 (*CWRW*, 3:320-21) (opposing terms "Christ's land," "Christian land," "Christian country"); RW, *BTYMB*, 68, 238, 263-64 (*CWRW*, 4:147, 402, 442). Williams averred that "the Church and people of God" are "the true and onely *Christendome*." Ibid., 157 (CWRW, 4:277). He discussed such terms as "Christian world" and "Christendom" in some depth in *Christenings make not Christians*, 1-21 (*CWRW*, 7:29-41).

[82] Winthrop Papers, 3:147-48.

[83] RW, *BT*, 191 (*CWRW*, 3:335).

[84] See also the epigraph to Chapter 7 of the present book.

[85] RW, *BTYMB*, 91 (*CWRW*, 4:180).

[86] *Winthrop Journal*, 107-8.

[87] Ibid., 109.

[88] Ibid., 108. No official governmental records survive of any such meeting.

[89] *Winthrop Journal*, 111. Although Endecott was a resident of Salem, he was currently a colony "assistant" and it appears that it was the custom for the assistants to attend the Boston lecture even if they resided in other towns. *Mass. Records*, 1:118 (Endecott was elected an assistant for a one-year term on May 14, 1634); *Winthrop Journal*, 133 (most of the assistants assembled in Boston

for another lecture on November 6, 1634). For the role of the assistants in the Massachusetts Bay government, see Appendix B.

[90] E.g., Hubbard, *History of New England*, 204 (citing no evidence); Dexter, *As to Roger Williams*, 31 (following Hubbard). Some historians cite a June 28, 1677 letter written by William Coddington to Quaker leader George Fox after Williams had published *George Fox Digg'd out of his Burrowes* in 1676. Part of the Coddington letter was printed in George Fox's response to Williams: *A New-England-Fire-Brand Quenched . . .* ([London], 1678), 245-47. This published excerpt from the Coddington letter was a scurrilous, vituperative, and ad hominem attack on Williams, which, albeit consistent with the impolite style of Williams's religious disputations, late in life, with the Quakers, is of little value in establishing any historical facts. Unlike Hubbard (1621-1704), Coddington (1601-78), who arrived in New England as an adult in 1630, was an age contemporary of Williams. He knew Williams, and we shall have more to say about their interacting political and religious histories later in this book. In 1634 and surrounding years, Coddington lived in Boston, not Salem. *Encyclopaedia Britannica Online*, s.v. "William Coddington," accessed July 8, 2014, http://www.britannica.com/EBchecked/topic/123877/William-Coddington. Accordingly, he had no first-hand knowledge of what, if anything, transpired between Endecott and Williams in Salem. His comment about the veil issue reflects that lack of first-hand knowledge. At the time Williams was in Salem, wrote Coddington decades later, "*O*! *Then a great deal of Devotion is placed in* Women wearing of Vails in their Assemblies, *as if the Power of Godliness was in it . . .*." Coddington to Fox, June 28, 1677, as quoted in Fox, *New-England-Fire-Brand Quenched*, 246. As discussed in the text, it was Endecott (and, earlier, Skelton) who had made a big issue about veils. Although Coddington implied that Williams was behind it, he cited no evidence to support any such allegation against his religious and longtime political enemy.

[91] RW, *GFDB*, 243 (*CWRW*, 5:243); cf. ibid., 361-62 (*CWRW*, 5:361-61).

[92] Hubbard, *History of New England*, 117; Gildrie, *Salem*, 21; Bentley, "A Description and History of Salem," 245.

[93] *Winthrop Journal*, 39, 88, 90, 120, 123, 124, 129, 140, 535-38. This Thomas Morton of Merrymount was apparently not related to the aforementioned Nathaniel Morton of Plymouth. Stratton, *Plymouth Colony*, 329-31. Thomas Morton continued his campaign against the Massachusetts Bay colony for many years. Upon returning to New England, he was arrested by Massachusetts Bay in 1643 and tried by the Massachusetts Court of Assistants in 1644. *Winthrop Journal*, 332-33, 492, 535-39, 759. By this time, the first English Civil War was raging, and Massachusetts Bay could therefore act with impunity against those, such as Morton, who had been allied with King Charles I and the Church of England. In the event, Morton was fined one hundred pounds and set at liberty. He died about 1647. Ibid., 538-39.

[94] *Winthrop Journal*, 131-32.

[95] Ibid., 136.

[96] Ibid., 140.

[97] *Mass. Records*, 1:137.

[98] *Winthrop Journal*, 142.

[99] *Mass. Records*, 1:146.

[100] *Winthrop Journal*, 144-45.

[101] Howard Millar Chapin, *Roger Williams and the King's Colors: The Documentary Evidence* (Providence: Society of Colonial Wars in the State of Rhode Island and Providence Plantations, 1928), 14-26 (discussing voluminous documentary evidence). Unfortunately, Chapin followed Hubbard's view of Roger Williams's involvement, which lacked evidentiary corroboration.

[102] Hubbard, *History of New England*, 164, 205-6. One of many historians following Hubbard's uncorroborated speculation on this issue was Henry Martyn Dexter in his *As to Roger Williams*, 32.

[103] As explained above, Endecott shipped John and Samuel Browne, important members of the MBC, back to England when he caught them practicing Anglican religious ceremonies. This was before Williams arrived in New England. Later chapters of this book will discuss Endecott's cruel persecution of Baptists and Quakers, including whippings and hangings, when he was governor of Massachusetts Bay. The latter persecutions were long after Williams left the colony, and, as we shall see, Williams wrote a letter to Endecott strongly opposing such actions.

[104] *Winthrop Journal*, 140n80.

[105] The June 28, 1677 letter from William Coddington to George Fox discussed above also implied that Williams was involved in the campaign against the cross in the English flag, but, again, Coddington was not a Salem resident and cited no evidence that Williams had anything to do with Endecott's action. Fox, *New-England-Fire-Brand Quenched*, 246.

[106] *Winthrop Journal*, 137.

[107] *Winthrop Journal*, 144. Parts of this excerpt were underlined in the manuscript, but such underlining in the journal was not made contemporaneously by Winthrop and may have done by someone else. *Winthrop Journal*, xlvii (editorial note). Accordingly, underlining, whenever it appears in Winthrop's journal, is not reproduced in the present book.

[108] *Mass. Records*, 1:115-17.

[109] Ibid., 137, 139.

[110] JC, *Reply to Mr. Williams*, 4 (*CWRW*, 2:13).

[111] RW, *Mr. Cottons Letter Examined*, 4 (*CWRW*, 1:325).

[112] RW, *BT*, 140 (*CWRW*, 3:253-54).

[113] RW, *BTYMB*, 276 (*CWRW*, 4:461).

[114] RW, *The Hireling Ministry None of Christs, or A Discourse touching the Propagating the Gospel of Christ Jesus . . .* (London, 1652), unpaged front matter (*CWRW*, 7:150).

[115] Ibid., 23-24 (*CWRW*, 7:178).
[116] Ibid., 34 (CWRW, 7:188).
[117] RW, *GFDB*, 408-13 (*CWRW*, 5:408-13); RW to Gregory Dexter, October 7, 1652, in *CRW*, 1:367, 370n14.
[118] Williams was probably referring to perjury when he wrote that lying was a crime against the state. [RW], *The Examiner defended*, 75 (*CWRW*, 7:262-63).
[119] *Winthrop Journal*, 148.
[120] *Winthrop Journal*, 123, 150; JC, *Reply to Mr. Williams*, 4 (*CWRW*, 2:13-14). The exact date of the Salem church's official selection of Williams for a ministerial position is unclear. In all probability, he had been acting as the unofficial minister since the death of Pastor Skelton in 1634.
[121] *Winthrop Journal*, 149-50; *Mass. Records*, 1:117 (May 14, 1634 General Court minutes), 145 (May 6, 1635 General Court minutes), 149-50 (July 8, 1635 minutes); Bentley, "A Description and History of Salem," 248; Morgan, *Visible Saints*, 101-5; Morgan, *Puritan Dilemma*, 74-75, 77-123, 152-56. John Winthrop Jr. was not sworn in as an assistant until several months after his election. *Mass. Records*, 1:160.
[122] *Winthrop Journal*, 149-50.
[123] Ibid., 150.
[124] *Winthrop Journal*, 151, 154; JC, *Reply to Mr. Williams*, 4-5 (*CWRW*, 2:14); The Church at Salem to the Elders of the Church at Boston (signed by RW and ruling elder Samuel Sharpe), after July 22, 1635, in *CRW*, 1:23-27; *Mass. Records*, 1:156-58. There are insignificant dating discrepancies between the official records and Winthrop's journal on some of these matters. With regard to the Marblehead Neck land issue, the May 6, 1635 General Court had established the "plantation" (settlement) of Marblehead, adjacent to Salem. *Mass. Records*, 1:147. It was apparently in this context that Salem claimed that the part of that grant called the "Neck" actually belonged to Salem.

[125] JC, *Reply to Mr. Williams*, 47 (*CWRW*, 2:76).
[126] *Winthrop Journal*, 149-50. It should be observed that Winthrop had not mentioned the patent issue in the context of the July 8 meeting, though that remained, as will be seen in the sequel, a controversial matter.
[127] Ibid., 153, 158.
[128] Rev. J. Lewis Diman, editorial appendix, in CWRW, 2:238-40.
[129] *Winthrop Journal*, 158.
[130] *Mass. Records*, 1:160-61.
[131] *Winthrop Journal*, 158.
[132] *Mass. Records*, 1:165 (March 3, 1635/36 General Court). The delay was perhaps a result of the discontent remaining in Salem by some of Williams's followers. Winthrop noted in his journal during January that Williams "had so far prevayled at Salem as many there (especially the devoute women) did imbrace his opinions, & separated from the Churches, for this cause that some of their members goeinge into England did heare the ministers there, & when they came home, the Churches heere held communion with them." *Winthrop Journal*, 164. But such religious unrest remained in Salem even as late as May 1636, when the magistrates took action to suppress it. Ibid., 175, 175n19, 746-47. Apparently, by March, the magistrates had felt sufficiently confident of their ability to handle the situation, now that Williams was gone, so that it was no longer necessary to use the Marblehead Neck land issue as a hammer over the town. The Salem church and the town's political leaders had surrendered; dealing with some unofficial religious followers of Williams was not as significant a problem.
[133] Henry Martyn Dexter, for example, wrote that Massachusetts Bay's expulsion of Williams was "solely taken in view of his seditious, defiant, and pernicious posture toward the State." *As to Roger Williams*, 79. Dexter's view is representative of a long line of historians, especially in Massachusetts, whom Brooks Adams aptly called "the reverend historians of the theocracy." *The*

Emancipation of Massachusetts, 308 (referring by name to Dexter), 310. One scholar has observed that "[w]ithin Christian tradition, anti-tolerationists, be they Catholics or Protestants, could always turn to patristic and medieval authorities for views of those who were not to be tolerated because they were heretics. Heretics and schismatics tended to be regarded as inherently seditious or in some circumstances treasonous; people whose views would destroy the social order that God had ordained." Nigel Smith, "Milton and the European Contexts of Toleration," in *Milton and Toleration*, ed. Sharon Achinstein and Elizabeth Sauer (Oxford: Oxford University Press, 2007), Kindle ed., chap. 2, Kindle loc. 450-52.

[134] One of many examples is Henry S. Burrage, "Why Was Roger Williams Banished?," *The American Journal of Theology* 5, no. 1 (January 1901): 1-17, http://www.jstor.org/stable/3153347. Although I do not agree with every detail of Burrage's analysis, he effectively refuted the views of such anti-Williams propagandists as John Cotton, J. Lewis Diman, and Henry Martyn Dexter. Burrage was a Baptist minister, historian, and journalist. Maine Historic Preservation Commission, "Henry S. Burrage," accessed August 19, 2014, http://www.maine.gov/tools/whatsnew/index.php?topic=mhpc_state_historians&id=65608&v=article. Dexter was a Congregationalist minister and an editor of *The Congregationalist*. Steven R. Pointer, "Joseph Cook—Apologetics and Science," *American Presbyterians* 63, no. 3 (Fall 1985): 308n57, http://www.jstor.org/stable/23330556; Dexter, *Congregationalism: What It Is, Whence It Is; How It Works; Why It Is Better Than Any Other Form of Church Government; and Its Consequent Demands* (Boston, 1865); Dexter, *A Hand-Book of Congregationalism* (Boston, 1880). Moreover, Dexter was an apologist for Massachusetts Bay's persecution of Baptists. Dexter, *As to Roger Williams*, 105-23. As documented in the present book, Dexter's Congregationalist forbears in New England had mercilessly persecuted Burrage's Baptist

forbears. In *The Emancipation of Massachusetts*, Brooks Adams also refuted many of Dexter's theories, but Adams did not focus on Roger Williams, indicating instead, in a rather indirect manner, a sympathy with him. Ibid., 216-17, 305. It is probable that Brooks Adams did not wish to impugn the memory of his grandfather John Quincy Adams, who had uncritically accepted the received Massachusetts opinion that Williams was a dangerous threat to the Massachusetts Bay government. John Quincy Adams, *The New England Confederacy of 1643* . . . (Boston, 1843), 25-30.

[135] RW, *Mr. Cottons Letter Examined*, 4-5 (*CWRW*, 1:324-25) (emphasis added). Williams also listed these causes of his banishment in a later letter to John Endecott. RW to John Endecott, ca. August-September 1651, in *CRW*, 1:339. In that letter, he elaborated on the fourth point: "The point is that of the *Civill Magistrates* dealing in matters of *Conscience* and *Religion*, as also of persecuting and hunting any for any matter meerly *Spiritual* and *Religious*." Ibid.

[136] RW to Major Mason and Gov. Prence, June 22, 1670, in *CRW*, 2:616.

[137] In a 1652 publication, Williams wrote: "It could be told in what *countrey*, at a publike sentence of *banishment* of a certaine person, a text of Scripture, *Rom.* 16.17 . . . was alleadged by the chief *judge* in *court* for a ground (not of *spiritual excommunication*, but) of *civil*, out of the *Commonweal*." *BTYMB*, 40 (*CWRW*, 4:106). The two prevailing English translations of the New Testament at the time of Williams's banishment were the Geneva Bible (which was preferred by many Puritans) and the King James Version. The translations of Romans 16:17 by both the Geneva Bible and the King James Version were identical: "Now I beseech you, brethren, mark them which cause divisions and offenses contrary to the doctrine which ye have learned; and avoid them." Williams's point about Romans 16:17 was that such verse could be a ground of spiritual excommunication from a church but not a legitimate ground of

civil banishment from a political society. The Massachusetts Bay Puritans banished Williams from the political colony on the basis of alleged spiritual offenses, thereby once again improperly mixing matters of church and state. (Note: It appears from many places in Williams's writings that he read, studied, and personally translated the Greek text of the New Testament, which he understood to be its original written form.)

[138] RW to Major Mason and Gov. Prence, June 22, 1670, in *CRW*, 2:616.

[139] For the later written disputation between John Cotton and Roger Williams regarding the history and causes of his banishment, see *A Letter of Mr. John Cottons* . . . (London, 1643), 1-3 (CWRW, 1:297-99) (reprinted in *CRW*, 1:33-35); RW, *Mr. Cottons Letter Examined*, unpaged front matter ("To the Impartiall Reader"), 1-16 (*CWRW*, 1:315-16, 319-44); and JC, *Reply to Mr. Williams*, 1-59 (*CWRW*, 2:9-97). Much of the remainder of Williams's *Mr. Cottons Letter Examined* and Cotton's *Reply* involved their theological disagreement over the religious issue of separation from the parish churches in England.

[140] *Winthrop Journal*, 163-64; RW, *Mr. Cottons Letter Examined*, 13-14 (*CWRW*, 1:340).

[141] RW to Major Mason and Gov. Prence, June 22, 1670, in *CRW*, 2:610. The referenced letter from Winthrop to Williams has not survived. In a 1654 letter to the Massachusetts Bay General Court, Williams similarly observed: "I rememb[er] that, upon the expresse advice of Your ever honoured Mr Winthrop deceased I first adventured to begin Plantation among the thickest of these Barbarians." RW to General Court of Massachusetts Bay, October 5, 1654, in *CRW*, 2:408. In a later letter, Williams stated: "it pleased the most High to direct my steps into this [Narragansett] Bay by the lo[ving] private Advise of that ever honrd soule Mr John Wintrop the Grandfather, who though he was caried with the stream for my banishment, yet he personally and tenderly loved

me to his last Breath." RW to an Assembly of Commissioners, November 17, 1677?, in *CRW*, 2:750. (Note: The expressions of love between male friends in the seventeenth century were common and not associated with homosexuality; the reference was to Christian or platonic love.) Winthrop recorded in his journal in January 1635/36 that Williams "had drawne above 20: persons to his opinion & they were intended to erecte a plantation about the Naragansett Baye . . . ." *Winthrop Journal*, 163. This does not necessarily contradict Williams's account. As Rhode Island historian Howard M. Chapin observed, "It is quite possible, and even probable, that Williams and Winthrop talked over the possibility of Williams making a settlement at Narragansett Bay, before Winthrop wrote the aforesaid letter, and in fact even before the act of banishment had been passed." Chapin, *DHRI*, 1:3.

Chapter 3. A New Beginning: The Founding of Providence and the Other Narragansett Bay Settlements (1636-43)

[1] *ERP*, 1:1 (punctuation and emphasis added; the words "only in civill things" are in a separate line and centered in the original). A photocopy of the original manuscript of this agreement is reproduced in Chapin, *DHRI*, vol. 1, between pages 96 and 97. The circumstances of this agreement are discussed below.

[2] RW to Major Mason and Gov. Prence, June 22, 1670, in *CRW*, 2:611 (parenthesis omitted). On another occasion, Williams referred to "such a time of my distressed wanderings amongst the Barbarians . . . being destitute of food, of cloths" and "exposed to the mercy of an howling Wildernesse in Frost and Snow, &c." RW, "To the Impartiall Reader," in *Mr. Cottons Letter Examined*, unpaged (*CWRW*, 1:315). He also referred to "the miserie of a Winters Banishment amongst the Barbarians . . . ." Ibid., 33 (*CWRW*, 1:315). Such statements by Williams establish that he traveled by land and not by water. Howard M. Chapin concluded,

from a careful examination of the extant evidence, that Williams traveled on foot, not by sea, notwithstanding his use of common seafaring metaphors. Chapin, *DHRI*, 1:8-10.

[3] RW, *Key*, 16-17, 70, 74, 78 (*CWRW* 1:106, 157, 160, 103-4); cf. Lemons, *First*, 4, 7. The references in the *Key* do not explicitly mention Williams's wanderings in the winter of 1636, but there is no other plausible interpretation of them.

[4] RW to an Assembly of Commissioners, November 17, 1677?, in *CRW*, 2:750-51.

[5] Ibid., 750-51, 753n7; RW to John Winthrop, ca. October 26, 1637, in *CRW*, 1:127, 129n13. As discussed below, Joshua Verin was also one of the first settlers of Providence.

[6] Testimony of RW, December 13, 1661, as copied from the original in Williams's own handwriting, in Isaac Backus, *A History of New-England, with particular Reference to the Denomination of Christians Called Baptists* . . . , vol. 1 (Boston, 1777), 72-74 (Backus's transcription is inaccurately reproduced in *CWRW*, 6:316-17; the original manuscript is apparently lost); RW to Major Mason and Gov. Prence, June 22, 1670, in *CRW*, 2:610; Deposition of RW, February 7, 1677/78, in Chapin, *DHRI*, 1:68. In the early days of the settlement, Williams sometimes called it "New Providence," apparently to distinguish it from the short-lived English Puritan colony of Providence Island east of Nicaragua. E.g., RW to John Winthrop, before August 25, 1636, in *CRW*, 1:53. Williams wrote on December 20, 1661, that he had entered into several treaties with Canonicus and Miantonomi during the years 1634 and 1635 "and in the End purchassed of them the landes and Meadows" that became Providence. *ERP*, 5:306; see also Chapin, *DHRI*, 1:1-2 (stating that the original of this December 20, 1661 document is framed in the Office of the Recorder of Deeds in Providence, Rhode Island). Unless Williams mistakenly recalled the years, it is difficult to reconcile this statement in 1661 with the fact that Williams initially attempted to settle in Seekonk (negotiating with

Ousamaquin) rather than in the area that became Providence (negotiating with Canonicus and Miantonomi). We do not have copies of any 1634-35 treaties between Williams and the Narragansett sachems, Canonicus and Miantonomi, nor do we have any other historical details regarding any such treaties. Accordingly, the 1634-35 discussions, if any, between Williams and the Narragansett sachems on the topic of land acquisition remain obscure.

[7] RW confirmation deed, December 20, 1661, in *ERP*, 5:307; cf. RW to an Assembly of Commissioners, November 17, 1677?, in *CRW*, 2:751 ("I . . . agreed that the place should be for such as were destitute, especially for Conscience").

[8] RW Deed to James Ellis, November 7, 1657, in *ERP*, 3:111.

[9] RW to Major Mason and Gov. Prence, June 22, 1670, in *CRW*, 2:610-11; Testimony of RW, December 13, 1661, as quoted in Backus, *History of New-England*, 1:73-74 (inaccurately requoted in *CWRW*, 6:316-17); Deposition of RW, June 18, 1682, in *RIHS Collections* 4 (1838): 207-9; James, *Colonial Rhode Island*, 5-7. Chapin observed that Governor William Bradford's involvement in the Ousamaquin matter must have occurred during his term March 7, 1636/37 to June 5, 1638. *DHRI*, 1:54. Edward Winslow was governor from January 5, 1635/36 until Bradford was sworn into office on March 7, 1636/37. *Records of the Colony of New Plymouth in New England*, ed. Nathaniel Shurtleff, vol. 1 (Boston, 1855), 36, 52-53. Although Bradford was elected governor on January 3, 1636/37, ibid., 48, Winslow was still serving as governor on February 6, 1636/37, ibid., 50. It is, of course, possible that Williams's memory, decades later, might have incorrectly recalled Bradford rather than Winslow as being governor during the Ousamaquin issue and that those events occurred during 1636 and not during 1637. But, as discussed in the text, Williams clearly remembered events occurring with regard to Governor Winslow in 1636. Accordingly, it seems likely that Williams was

correct that it was during Bradford's succeeding term as governor that Plymouth responded to Ousamaquin's assertions.

Roger and Mary Williams had two children at the time of his departure from Massachusetts Bay: Mary, born in Plymouth in August of 1633, and Freeborne, a daughter born in Salem in late October of 1635 (shortly after the banishment order). Four more children were born in Providence: a son named Providence in September of 1638, a daughter named Mercy in July of 1640, a son named Daniel in February of 1641/42, and a son named Joseph in about December 1643. *ERP*, 1:7.

[10] RW to John Winthrop, before August 25, 1636, in *CRW*, 1:53; Deposition of RW, June 18, 1682, in *RIHS Collections*, 4:207-8; Chapin, *DHRI*, 1:56.

[11] Deposition of RW, June 18, 1682, in *RIHS Collections*, 4:208-9.

[12] RW to an Assembly of Commissioners, November 17, 1677?, in *CRW*, 2:752; Howard Millar Chapin, *The Trading Post of Roger Williams with Those of John Wilcox and Richard Smith* (Providence: Society of Colonial Wars in the State of Rhode Island and Providence Plantations, 1933). Williams's trading post at Cocumscussoc appears to have been in operation by September 7, 1638. Ibid., 19.

[13] RW confirmation deed, December 20, 1661, in *ERP*, 5:307. Joshua Verin later wrote that they made conscience of purchasing the land from the Narragansetts. Joshua Veren [*sic*] to Town of Providence, November 21, 1650, in *ERP*, 15:37. See later discussion of Joshua Verin.

[14] Rider, *Forgeries Connected with the Deed*, 16-116.

[15] Richard LeBaron Bowen, *The Providence Oath of Allegiance and Its Signers, 1651-2* (Providence, RI: General Court of the Society of Colonial Wars in the State of Rhode Island and Providence Plantations, 1943), ix-x; Stephen Hopkins, *An Historical Account of the Planting and Growth of Providence*, in *RIHS Collections* 7 (1885): 21-22, 21-22n2 (editorial note by William E. Foster); *RI Records*, 1:vi-vii (editorial note). Soon after King Philip's War, an official

inventory of Town records revealed many missing documents or pages of documents. *ERP*, 15:172-74. One of the oldest official record books of the Town was missing sixty-five pages and was called, alternatively, the "Town Old Book" and the "Old Burnt Book." Ibid., 15:172, 22:1.

[16] RW to John Winthrop, before August 25, 1636, in *CRW*, 1:53.

[17] Ibid., 53-54.

[18] Ibid., 54.

[19] Ola Elizabeth Winslow observed that this letter of Williams to Winthrop "makes it quite clear that in the beginning Providence was not the democracy it has sometimes been asserted to have been, nor was such a way of government intended." *Master Roger Williams*, 138. Winslow focused on Williams's ruminations in the letter about whether he could assert a veto power over the admission of newcomers, but the conclusion that Williams did not contemplate a democracy follows even more clearly from the overall structure of government that he proposed.

[20] RW to John Winthrop, before August 25, 1636, in *CRW*, 1:54.

[21] In a March 16, 1638/39 journal entry, Winthrop stated that Roger Williams and the early Baptists in Providence "would have no magistrates" and Anne Hutchinson and her party would similarly "have no magistracy." *Winthrop Journal*, 286-87. "'Having no magistrates' meant that civil authorities had no role in church affairs, which meant separation of church and state." J. Stanley Lemons, introduction to *First Baptist, Providence*, Baptists in Early North America, vol. 2 (Macon, GA: Mercer University Press, 2013), xviin16; *Decoding Roger Williams*, 52n44. Howard Chapin and James Ernst understood the term in the same way. Chapin, *DHRI*, 1:95, 2:55-56; Ernst, *Roger Williams*, 170. In his letter to Winthrop, Williams undoubtedly used the term in this sense, knowing that Winthrop would so understand it. *CRW*, 1:53.

[22] RW confirmation deed, December 20, 1661, in *ERP*, 5:307. In a December 1638 entry to his Journal, Winthrop stated his

understanding that "at their first coming [to Providence], Mr. Williams and the rest did make an order, that no man should be molested for his conscience . . . ." *Winthrop Journal*, 276.

[23] Chapin, *DHRI*, 1:96-97.

[24] Chapin, *DHRI*, 1:110, 2:34, 39; cf. Roy Hidemichi Akagi, *The Town Proprietors of the New England Colonies: A Study of Their Development, Organization, Activities and Controversies, 1620-1770* (Philadelphia: Press of the University of Pennsylvania, 1924), 45 ("such terms as 'inhabitants,' the 'planters,' the 'settlers,' and the 'goers' were all used to designate the proprietors in the old towns" of New England); Melville Eggleston, *The Land System of the New England Colonies*, Johns Hopkins University Studies in Historical and Political Science, 4th ser., 11-12 (Baltimore, 1886): 38 (analogous use, in 1662, of the term "inhabitants" in the town of Hampton, now in New Hampshire). As discussed below, the "proprietors" were the original settlers who originally had the sole right to vote in New England towns.

[25] Chapin, *DHRI*, 1:96-97.

[26] The gender specification in the term "freemanship" implies, of course, that women were not admitted to full citizenship with the right to vote and to hold political office. But this was a historical fact throughout America during the seventeenth century. Women generally did not have the right to vote until the ratification of the Nineteenth Amendment to the U.S. Constitution in 1920. Meanwhile, women had been "citizens" since at least the ratification of the Fourteenth Amendment in 1868. Under the Fourteenth Amendment, "[a]ll persons born or naturalized in the United States and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside." The Fifteenth Amendment, ratified in 1870, stated that "[t]he right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude." The Fifteenth

Amendment did not extend suffrage or the right to hold political office to women, and, of course, minors born or naturalized in the United States are (since the Fourteenth Amendment) citizens without the right to vote or hold office. A distinction between freemanship (citizenship with the right to vote and hold political office) and mere citizenship has thus been present throughout the history of the U.S. republic, though the term "freemanship" is no longer in common use. The right to hold political office may also have additional requirements (for example, minimum age).

[27] William Harris to Court, October 15, 1677, in *RIHS Collections* 10 (1902):199.

[28] The present discussion is based on the copy of the text of The Combination found at *ERP*, 15:2-5; see also Chapin, *DHRI*, vol. 1, chap. 13.

[29] Henry C. Dorr, *The Proprietors of Providence and Their Controversies with the Freeholders*, in *RIHS Collections* 9 (1897): 21.

[30] As discussed further in Appendix C, Samuel Hugh Brockunier interpreted the relevant primary sources (including The Combination) anachronistically. His interpretation of the development of government in Providence during the early years differed from the interpretation I have set forth in the text. Interested readers are referred to chapter 8 of his book *The Irrepressible Democrat: Roger Williams* (New York, Ronald Press, 1940). Not all of that chapter is incorrect.

[31] I agree, for the most part, with Winslow's interpretation of the older view, represented by Williams, and the newer view, represented by Harris, though I do not accept, as she seems to do, the moral equivalence of the two positions. *Master Roger Williams*, 131, 134-135. See also Rider, *Forgeries Connected with the Deed*, esp. chap. 1.

Rider's argument about article 7 of The Combination might be understood as suggesting that deeds were a new thing in English law. Ibid., 12-13. But, of course, deeds had been known

in the English common law for centuries. See Edward Coke, *The First Part of the Institutes of the Laws of England; or, A Commentary upon Littleton* . . . , 2 vols. (London, 1823), chap. 5, § 40, 1:35.b-36.a; § 259, 2:171.b (first published in 1628). Rider's point seems to be that modern deeds were not used in Providence until after this provision of The Combination took effect. Rider, *Forgeries Connected with the Deed*, 12-13.

[32] RW to Major Mason and Gov. Prence, June 22, 1670, in *CRW*, 2:610.

[33] See the excellent historical and historiographical analysis by Alfred A. Cave in *The Pequot War*; this 1996 work is, to my knowledge, the best and most impartial history of the Pequot War ever written. The present book does not address all the details of the Pequot War but rather focuses on Roger Williams's diplomatic involvement and the historical facts relevant thereto. Readers desiring further information should consult Cave's definitive history.

[34] "Roger Williams had taken refuge among the Narragansetts and now made his living as an Indian trader. Through his correspondence with John Winthrop, Williams provided badly needed, though sometimes inaccurate, information on the activities of the Narragansetts and the Pequots." Cave, *The Pequot War*, 123. As discussed earlier, Williams had been interacting and trading with Algonquian peoples for some years before he founded Providence in 1636. His actual trading post at Cocumscussoc may not have been in operation until after the conclusion of the Pequot War. Chapin, *Trading Post*, 19.

[35] *Winthrop Journal*, 157; *Mass. Records*, 1:174; Cave, *The Pequot War*, 91. Winthrop replaced Vane as governor on May 17, 1637. *Mass. Records*, 1:195.

[36] Violet A. Rowe, *Sir Henry Vane the Younger: A Study in Political and Administrative History* (London: Athlone, 1970), 4-7.

[37] RW to John Winthrop, before August 25, 1636, in *CRW*, 1:54-55.

[38] Cave, *The Pequot War*, 24-29, 52-53, 61-63.

[39] RW to John Winthrop, October 24, 1636, in *CRW*, 1:69; cf. *CRW*, 1:60-61. See also *Winthrop Journal*, 187; Cave, *The Pequot War*, 123-24.

[40] RW to Major Mason and Gov. Prence, June 22, 1670, in *CRW*, 2:611-12; Cave, *The Pequot War*, 124.

[41] *Winthrop Journal* 191-92.

[42] RW to Major Mason and Gov. Prence, June 22, 1670, in *CRW*, 2:612; cf. *CRW*, 1:621n14.

[43] Cave, *The Pequot War*, 126.

[44] RW to Governor Henry Vane and Deputy Governor John Winthrop, May 1, 1637, in *CRW*, 1:72; *CRW*, 1:75-76n6.

[45] RW to Governor Vane and Deputy Governor Winthrop, May 1, 1637, in *CRW*, 1:73. Williams later wrote that "it would be very gratefull to our neighbours [the Narragansetts] that such Pequts as fall to them be not enslaved, like those wch are taken in warr; but (as they say is their generall custome) be used kindly, have howses and goods and fields given them . . . ." Roger Williams to Governor Winthrop, June 21, 1637, in *CRW*, 1:86.

[46] Cave, *The Pequot War*, 147-61.

[47] RW to John Winthrop, July 15, 1637, in *CRW*, 1:102; Cave, *The Pequot War*, 159.

[48] RW to John Winthrop, July 10, 1637, in *CRW*, 1:97-98.

[49] Cave, *The Pequot War*, 161.

[50] Ibid., 12-26, 158-64, 170-78; RW to John Winthrop, June 30, 1637, in *CRW*, 1:88; *CRW*, 1:89n2, 90n5; RW to John Winthrop, July 31, 1637, in *CRW*, 1:109.

[51] RW to the General Court of Massachusetts Bay, October 5, 1654, in *CRW*, 2:408.

[52] *CRW*, 1:110-208 passim.

[53] RW to John Winthrop, October 28, 1637, in *CRW*, 1:130; *CRW*, 1:131n3; *Winthrop Journal*, 132; Cave, *The Pequot War*, 104-9.

[54] RW to John Winthrop, October 28, 1637, in *CRW*, 1:130; *CRW*, 1:131n4.

[55] RW, *Key*, 144-49 (*CWRW*, 1:233-38); RW to John Winthrop, October 28, 1637, in *CRW*, 1:130; RW to John Winthrop, November 10, 1637, in *CRW*, 1:131; Deed to Prudence Island, in *CRW*, 1:136; Cave, *The Pequot War*, 51-54.

[56] RW to Governor John Winthrop, ca. June 14, 1638, in *CRW*, 1:165. William Cronon argued that "Williams had indeed gotten permission to use the islands for grazing hogs—a land transaction of sorts had taken place—but it was emphatically not a purchase." William Cronon, *Changes in the Land: Indians, Colonists, and the Ecology of New England* (New York: Hill and Wang, 2003), 61. However, the language Williams used to describe the transaction in the November 10, 1637 Deed signed (with marks) by Canonicus and Miantonomi was as follows: "John Winthrop. . . . and Roger Williams. . . have **bought** of the 2 chiefe sachims of [Narragansett] Miantatinomi and Cannnonnicus **the Island** called Chibachuwese. . . for the summe of 20 fathom of wampam and 2 coats . . . ." *CRW*, 1:136 (emphasis added). In his November 10, 1637 letter to Winthrop, Williams stated: "I have **bought and paid for the Island** . . . ." *CRW*, 1:131 (emphasis added). Williams's point in his June 14, 1638 letter that it was not properly termed a sale was that it more appropriately was considered a gift, with Williams giving a gratuity to the sachems, not that Williams had acquired only usufruct rights. Williams made the same point with regard to his purchases of the land for Providence, Pawtuxet, and Aquidneck (Rhode) Island: Canonicus "was not I say to be stird with mony to sell his land to let in Foreignrs. Tis true he recd presents and Gratuities many of me: but it was not thouhsands nor ten thouhsands of mony could have bought of him an English Entrance into this [Narragansett] Bay. Thouhsands Could not have bought of him Providence or Pawtuxit or Aquedenick [Rhode Island] or any other Land I had of him." RW to an Assembly of Commissioners, November 17, 1677?, in *CRW*, 2:752 In this letter, Williams was emphasizing the

importance and inestimable value of his personal relationship with Canonicus in opposition to William Harris's "simple charge that I bought Cheap and Sold deare . . . ." Ibid., 751. Williams made this quite explicit in another letter: "It was not price nor Money that could have purchased Rode [Aquidneck] Iland. Rode Iland was obtained by Love: by that Love and Favour wch that honble Gentleman Sir Hen. Vane and my selfe had with that great Sachim Miantunnomu about that Leauge, wch I procured betweene the Massachuset English etc. and the Narrigansets in the Pequt War." RW to [General Court of Commissioners of Providence Plantations?], August 25, 1658, in *CRW*, 2:485. Williams's point about the purchase of Prudence Island was similar: Canonicus would not have sold the island at any price to any other foreigner. The earlier gift of the island to Oldham may have been to satisfy a previous debt (see *Winthrop Journal*, 132) and may or may not have been limited to usufruct rights (per Cronon's understanding of customary Native American land transactions), but Williams and Winthrop acquired actual ownership rights over Prudence, as is evidenced by their later transactions concerning the island (discussed below). Cronon also erred in assuming, without citing any evidence, that Williams, prior to his banishment, was concerned about Native American land rights because he was "trying to protect Salem's claim to territory obtained from Indians rather than from the English Crown . . . ." Cronon, *Changes in the Land*, 57. The entire gist of Williams's argument—and Massachusetts Bay's reaction to that argument—was to the contrary. See Chapter 2 above. Williams certainly would not have risked—or incurred—banishment just to protect Salem's territorial claims.

[57] *CRW*, 1:205n8.

[58] *CRW*, 1:186n3, 216-17n5. Williams also acquired Hope Island (west of Prudence Island). Harris to Court, October 15, 1677, in *RIHS Collections*, 10:201; *RI Records* 1:383.

[59] Endorsement by Winthrop on letter from RW to Governor John Winthrop, in *CRW*, 1:147; Henry C. Dorr, *The Planting and Growth of Providence* . . . (Providence, 1882) (Rhode Island Historical Tracts, 1st ser., 15), 11.

[60] Joshua Veren [*sic*] to Town of Providence, November 21, 1650, in *ERP*, 15:37; Chapin, *DHRI*, 1:11, 22-23, 28-30, 74, 75-76; Howard M. Chapin, "The Lands and Houses of the First Settlers of Providence," *RIHS Collections* 12, no. 1 (January 1919): 5 (stating that Verin was one of the original five families who removed from Seekonk to Providence in 1636); *ERP*, 1:4-5. See also the discussion earlier in this chapter of Williams's exile and the land distribution documents. Although the Town voted in 1675 that Verin "hath no Right in this towne of providence" and "no Right to Land in this towne" (*ERP*, 4:34, 43), Chapin stated that this denial related to "the land divided after his disfranchisement . . . ." In contrast, the Town recognized "Verin's ownership of the land allotted to him before his disfranchisement . . . ." Chapin, *DHRI*, 1:30; cf. ibid., 75-76; *ERP*, 1:4-5; *ERP*, 2:55-56; *ERP*, 3:40; *ERP*, 4:18, 64-65; *ERP*, 8:135-36; *ERP*, 9:20-21, 27-29; *ERP*, 14:78-79, 158-59, 276-78; *ERP*, 15:37-38; *ERP*, 17:20, 30, 195, 206, 251; *ERP*, 20:35-37, 235-37. As a result of the paucity of extant Town records in the early years of the Providence settlement, it is difficult to reconstruct the exact series of events regarding Verin's property interests in or near Providence, and Chapin's interpretation may be somewhat speculative. See also Brockunier, *Irrepressible Democrat*, 105-6.

[61] *ERP*, 1:4; RW to John Winthrop, May 22, 1638, in *CRW*, 1:156; Chapin, *DHRI*, 1:71-74.

[62] RW to John Winthrop, May 22, 1638, in *CRW*, 1:156. Williams's remark that Verin "will hale his wife with ropes to Salem" may have been a double entendre, as Verin was a rope maker by occupation. *Winthrop Journal*, 276n8.

[63] *Winthrop Journal*, 276-77.

[64] RW, *GFDB*, 134, 210, 243, 287, 361-62 (*CWRW*, 5:134, 210, 243, 287, 361-62).

[65] RW, *GFDB*, 213 (*CWRW*, 5:213).

[66] [RW], *The Examiner defended*, 26-27 (*CWRW*, 7:224); see generally ibid., 26-30 (*CWRW*, 7:223-26)

[67] RW to Major Mason and Gov. Prence, June 22, 1670, in *CRW*, 2:617.

[68] RW to John Winthrop, after September 21, 1638, in *CRW*, 1:185.

[69] Lemons, *First Baptist, Providence*, xiv.

[70] *Historical Catalogue of the Members of the First Baptist Church in Providence, Rhode Island*, ed. Henry Melville King and Charles Field Wilcox (Providence: F. H. Townsend, 1908), 22, 185-86; cf. King, *The Baptism of Roger Williams: A Review of Dr. W. H. Whitsitt's Inference* (Providence, 1897), 99-113, esp. 110 (suggesting that Williams and others were baptized in the spring of 1638, thus dating the formation of the Baptist congregation during the Joshua Verin controversy).

[71] *Winthrop Journal*, 286.

[72] Ibid., 300.

[73] Excerpt of letter from Richard Scott, in Fox, *New-England-Fire-Brand Quenched*, 247 (italics omitted).

[74] Coddington to Fox, June 28, 1677, as quoted in Fox, *New-England-Fire-Brand Quenched*, 246 (italics omitted).

[75] Lemons, *First*, 1-2 (quotation), 4.

[76] A. S. P. Woodhouse, introduction to *Puritanism and Liberty: Being the Army Debates (1647-9) from the Clarke Manuscripts with Supplementary Documents*, ed. A. S. P. Woodhouse (Chicago: University of Chicago Press, 1951), [39]-[45].

[77] Paul D. Simmons, introduction to *Freedom of Conscience: A Baptist/Humanist Dialogue*, ed. Paul D. Simmons (Amherst, NY: Prometheus Books, 2000), 12.

[78] TJ to JA, October 12, 1813, in *The Adams-Jefferson Letters: The Complete Correspondence between Thomas Jefferson and Abigail and John*

Adams, ed. Lester J. Cappon (Chapel Hill: University of North Carolina Press, 1959), 384.

[79] See ibid., 384n72; TJ, *The Jefferson Bible: The Life and Morals of Jesus of Nazareth Extracted Textually from the Gospels in Greek, Latin, French & English*, with essays by Harry R. Rubenstein, Barbara Clark Smith, and Janice Stagnitto Ellis (Washington, D.C.: Smithsonian Books, 2011).

[80] RW, *BT*, 20-21 (*CWRW*, 3:64-65); cf. ibid., 33-35, 228 (*CWRW*, 3:85-88, 394) .

[81] RW to John Winthrop Jr., October 25, 1649, in *CRW*, 1:300. The angle brackets denote a word supplied from a variant manuscript of another source when the manuscript available to the editors of *The Correspondence of Roger Williams* was unreadable. *CRW*, 1:lxxii.

[82] *BTYMB*, 152 (*CWRW*, 4:271).

[83] RW, *Hireling Ministry*, unpaged front matter, 6 (*CWRW*, 7:155-56, 162).

[84] [RW], *The Examiner defended*, 68-69, 86 (*CWRW*, 7:257-58, 271-72).

[85] RW to Mrs. Ann Sadleir, ca. Winter 1652/53, in *CRW*, 1:374.

[86] RW, *GFDB*, 102 (*CWRW*, 5:102).

[87] Ibid., 102-3 (*CWRW*, 5:102-3) (closing parenthesis omitted as being an apparent printing error in the original).

[88] Ibid., 103 (*CWRW*, 5:103).

[89] RW, "A Brief Reply to a Small Book Written by John Eliot" [editors' title], in *Decoding Roger Williams*, 72-88.

[90] *Decoding Roger Williams*, 20, 53n43, 53nn49-52.

[91] Ibid., 53n52.

[92] *CRW* passim; RW, *GFDB* passim.

[93] *Decoding Roger Williams*, 53n52.

[94] Ibid., 67n237; John Eliot to [JC], June 6, 1651, in *The Correspondence of John Cotton*, ed. Sargent Bush Jr. (Chapel Hill: University of North Carolina Press, 2001), 446-47; JC to John Eliot, [June 1651], in ibid., 449-52; [John Jackson], *A Sober Word to a Sober People: or A Moderate Discourse Respecting As well The Seekers, (so called) As The Present Churches* . . . (London, 1651 (actually published in December 1650)).

[95] *A Sober Word to a Sober People*, 2.

[96] *CRW*, 1:302.

[97] RW, *GFDB*, 222-23, 229, 286-87, 299 (*CWRW*, 5: 222-23, 229, 286-87, 299).

[98] Williams referred to "a Spirit of Christian Searching and Examinacion" in a letter to Sir Edward Coke's daughter, noting that "[i]t is impossible there should be a true Search, without the holy spirit who searcheth All things, Yea the deepe things of God . . . ." RW to Mrs. Anne Sadleir, ca. Winter 1652/53, in *CRW*, 1:373, 376.

[99] RW to Governor John Endecott, ca. August-September 1651, in *CRW*, 1:346.

[100] The foregoing account of John Cotton, Anne Hutchinson, and the Antinomians is based on Morgan, *Puritan Dilemma*, chap. 10, and Eve LaPlante, *American Jezebel: The Uncommon Life of Anne Hutchinson, the Woman Who Defied the Puritans* (New York: HarperCollins, 2004). Many other analyses of the Antinomian controversy exist, but the present book is focused on Roger Williams and Rhode Island and not on the interesting details of this episode.

[101] John Clark[e], *Ill Newes from New-England: A Narrative of New Englands Persecution* . . . (London, 1652; repr., Paris, AR: Baptist Standard Bearer, n.d.) (hereafter cited as *Ill Newes*, with the 1652 pagination given first and the Baptist Standard Bearer pagination given after "BSB ed." in parentheses), "A Brief discourse touching New England . . . ," unpaged (BSB ed., 23-24).

[102] Ibid., (BSB ed., 24-25); Chapin, *DHRI*, 2:16-29, 40; Sydney V. James, *John Clarke and His Legacies: Religion and Law in Colonial Rhode Island 1638-1750*, ed. Theodore Dwight Bozeman (University Park, PA: Pennsylvania State University Press, 1999),

9-13. Roger Williams later indicated that Sir Henry Vane was somehow involved in this purchase, but this is unclear since Vane had returned to England the previous August. RW to [General Court of Commissioners of Providence Plantations?], August 25, 1658, in *CRW*, 2:484-85; cf. Morgan, *Puritan Dilemma*, 136. Williams apparently meant that Vane had been close to the Antinomians and that when he had been governor of Massachusetts Bay he had cultivated good relations with the Narragansetts. Vane may have encouraged Williams to find land for the Antinomians before Vane returned to England or, perhaps, had sent Williams correspondence to that effect in late 1637 or early 1638. See Robert Baillie [printed "Baylie"], *A Dissuasive from the Errours of the Time. . .* (London, 1646), 63; cf. Baillie [printed "Baily"], *The Disswasive from the Errours of the Time, Vindicated from the Exceptions of Mr. Cotton and Mr. Tombes* (London, 1655), 30.

[103] Chapin, *DHRI*, 2:19-21. 35-36, 47-49, 55, 84; James, *John Clarke*, 13.

[104] Chapin, *DHRI*, 2:32; LaPlante, *American Jezebel*, chap. 14; RW to John Winthrop, April 16, 1638, in *CRW*, 1:149.

[105] Chapin, *DHRI*, 2, chaps. 7-11; *Winthrop Journal*, 286-87; LaPlante, *American Jezebel*, chap. 14; James, *John Clarke*, 12-14; *CRW*, 1:209 (editorial note). The long quotation is from Baillie, *Dissuasive* (1646), 150; see also Baillie, *Anabaptism . . . in A Second Part of "The Disswasive from the Errors of the time"* (London 1647), 79.

[106] Chapin, *DHRI*, 2:94-96, 107-8.

[107] LaPlante, *American Jezebel*, chaps. 14-16; Randall Holden to Massachusetts Bay General Court, September 15, 1643, as quoted in Edward Winslow, *Hypocrisie Unmasked . . .* (London, 1647), 35.

[108] Chapin, *DHRI*, 2:128.

[109] *CRW*, 1:209 (editorial note); James, *Colonial Rhode Island*, 28-31. Although biased against Gorton, Edward Winslow gave a somewhat detailed account of Gorton's actions in Portsmouth

and the government's reaction (including the Grand Jury presentment against him) in *Hypocrisie Unmasked*, 51-55.

[110] RW to John Winthrop, March 8, 1640/41, in *CRW*, 1:215. No manuscript of this letter has been located, and the editors of the *CRW* copied the text set forth in Winslow, *Hypocrisie Unmasked*, 55-56. Italics are omitted, as it is unlikely that Williams italicized or underlined any word in the original handwritten letter, if, indeed, the letter is genuine. Familism, a bogey of New England Puritanism, was popularly (though probably not accurately) understood to describe "various sectarians who believed in the direct and mystical infusing of the Holy Spirit." *CRW*, 1:216n2.

[111] William Arnold's May 25, 1641 letter is set forth in Winslow, *Hypocrisie Unmasked*, 59-62, and in Chapin, *DHRI*, 1:129-33 (noting that William Arnold was at that time one of the five disposers). See also the November 17, 1641 letter of some of the Providence residents to Massachusetts Bay in *Hypocrisie Unmasked*, 56-58; cf. Chapin, *DHRI*, 1:134-38.

[112] James, *Colonial Rhode Island*, 65-66; Winslow, *Hypocrisie Unmasked*, 65, 143.

[113] *CRW*, 1:363n2; Winslow, "Epistle Dedicatory to Earl of Warwick," in *Hypocrisie Unmasked*, unpaged.

[114] Gorton, *Simplicities Defence . . .* (London, 1646); Winslow, *Hypocrisie Unmasked*, 55-56.

[115] Without further elaboration, Lewis G. Janes remarked that "[t]here are strong reasons for questioning the authenticity of this letter." Janes, *Samuell Gorton: A Forgotten Founder of our Liberties . . .* (Providence, 1896), 35n. Kenneth W. Porter wrote that the letter is "of rather doubtful authenticity," noting that it "is not to be found in the Winthrop Papers at the Massachusetts Historical Society, nor is it contained in W. C. Ford's edition of photostats of Roger Williams's Letters issued by the Massachusetts Historical Society." Porter, "Samuell Gorton: New England Firebrand," *New England Quarterly* 7, no. 3 (Sept., 1934): 418, http://www.jstor.

org/stable/359672. Cf. *CRW*, 1:216 (editorial note speculating that the letter was authentic). Winslow was from Plymouth and may not have been aware of all the behind-the-scenes machinations occurring in the upper reaches of the Massachusetts Bay hierarchy. It would seem odd that John Winthrop would send Winslow to England with the original manuscript of the letter, since he carefully preserved many other letters of Williams to himself. See *CRW* passim. Note the similarity of Winthrop's journal entry alleging that Williams was "expecting (as was supposed) to become an apostle" (*Winthrop Journal*, 103) and the comparison between the Apostle Paul and Williams in the letter quoted in the text. All signs point to this letter as having been created by the Massachusetts Bay magistrates and/or the Massachusetts clerical establishment. Winslow may have been their innocent dupe. He could have been told, falsely, that the letter he was given was a copy of a letter Williams had written to Winthrop. The fact that we have no record of Williams objecting to the authenticity of the letter printed in Winslow's book may be accounted for by the loss of much of Williams's correspondence and other writings. Moreover, Winslow's *Hypocrisie Unmasked* was not published until 1647 (the printed date was "1646," but the Thomason Date was "Oct. 2d" and the book referred to events that occurred in Massachusetts in November of 1646). Winthrop died in 1649 (*CRW*, 1:277n1), and Williams's last known letter to him, indicating a rupture in their relationship, was dated June 25, 1645. *CRW*, 1:224. By the time of the June 25, 1645 letter, "deteriorating political relations between Rhode Island and Massachusetts Bay in the mid-1640s helped to erode the good will that the two men had formerly extended to each other." *CRW*, 1:225n1.

[116] Chapin, *DHRI*, 1:133-34; James, *Colonial Rhode Island*, 30; cf. *CRW*, 1:209-14 (I do not agree with all of the interpretations of this editorial note).

[117] Gorton, *Simplicities Defence*, 4, 6, 10; Winslow, *Hypocrisie Unmasked*, 2, 9-10, 56-58; *Winthrop Journal*, 413; Chapin, *DHRI*, 1:143-49; *CRW*, 1:214 (editorial note).

[118] James, *Colonial Rhode Island*, 20.

[119] Gorton, *Simplicities Defence*, 6-10, 32-35; Winslow, *Hypocrisie Unmasked*, 2-3, 28; Chapin, *DHRI*, vol. 1, chaps. 17, 19.

[120] Gorton, *Simplicities Defence*, 34-64 (quotation at 64); Winslow, *Hypocrisie Unmasked*, 3-8; Chapin, *DHRI*, vol. 1, chaps. 20, 21.

[121] Gorton, *Simplicities Defence*, 74-79; Winslow, *Hypocrisie Unmasked*, 8-9.

Chapter 4. Return Visit to England: The First Publications and the First Charter in the Midst of Civil War (1643-44)

[1] RW to Major Mason and Gov. Prence, June 22, 1670, in *CRW*, 2:612. By the words "so judged vacant on all hands," Williams was referring to his argument that no other colony had a legitimate claim to the territory described in the charter. This was, as we have seen, one of the significant issues affecting the new colony—an issue that turned out to be not entirely resolved by the patent. See ibid., *CRW*, 2:612-13. It is unlikely that Williams's language referred to the acquisition of Narragansett lands. As discussed earlier, Williams was scrupulous about coming to voluntary agreements with the Narragansett sachems regarding land acquisition; he did not rely on the Puritan theory of *vacuum domicilium*.

[2] Gorton, *Simplicities Defence*, 74-75 (quoting a March 7, 1643/44 Order of the Massachusetts General Court).

[3] Chapin, *DHRI*, 1:123.

[4] *Winthrop Journal*, 413.

[5] RW to [General Court of Commissioners of Providence Plantations?], August 25, 1658, in *CRW*, 2:488 (quotation); *CRW*, 1:217-19 (editorial note).

[6] Eggleston, *Land System of the New England Colonies*, 9; Akagi, *Town Proprietors*, 6.

[7] Chapin, *DHRI*, 1:161.

[8] Ibid., 162.

[9] RW to the General Court of Massachusetts Bay, October 5, 1654, in *CRW*, 2:410. John Winthrop wrote in his journal that the Siwanoy, "by the mediation of Mr. Williams, who was then there to go in a Dutch ship for England, were pacified, and peace re-established between the Dutch and them. At length they came to an accord of peace with the rest of the Indians also." *Winthrop Journal*, 428 (June 20, 1643 entry). This account does not seem consistent with that of Williams, who was present during these events. Perhaps Williams offered mediation, as indicated in the excerpt from his letter, but it was apparently declined. Part of the confusion may be caused by the fact that the Long Island war was only part of a larger war between the Dutch and the Native Americans. Ibid., 427-28.

[10] For additional details, see, e.g., Worden, *English Civil Wars*, chaps. 1-2; Braddick, *God's Fury*, chaps. 1-12; and Lockyer, *Tudor and Stuart Britain*, 340-47.

[11] Williams stated that different dialects of the Algonquian language existed within two hundred miles north and south of Providence but that the *Key* could help the reader converse with indigenous peoples within that area. RW, "*To my Deare and Welbeloved* Friends *and* Counrey-men *in old and new* England," in *Key*, unpaged front matter (*CWRW*, 1:80). He observed that "the varietie of their Dialects and proper speech within thirtie or fortie miles each of other, is very great . . . ." *Key*, 106-7 (*CWRW*, 1:189). He mentioned difficulty in understanding the dialect of residents in "an Iland of the wildest in our parts," without naming the island or how far it was from Providence. Ibid., 20 (*CWRW*, 1:109).

[12] The complete title is *A Key into the Language of America: or, An help to the* Language *of the* Natives *in that part of America, called* New-England. *Together, with briefe* Observations *of the Customes, Manners and Worships, &c. of the aforesaid* Natives, *in Peace and Warre, in Life and Death. On all which are added Spirituall* Observations, *Generall and Particular by the* Authour, *of chiefe and special use (upon all occasions,) to all the* English *Inhabiting those parts; yet pleasant and profitable to the view of all men:* By *Roger Williams of Providence in New-England.* The printer was Gregory Dexter of London—an important figure who later traveled back to America with Williams and became a prominent political and religious leader in the new colony. The date printed on the cover page is "1643." The Thomason Date is "Sept. 7th."

[13] RW, *Key*, unpaged front matter (*CWRW*, 1:79, 80). Williams may have begun writing the *Key* "at my now taking ship, at the *Dutch Plantation* . . . ." Ibid. (*CWRW* 1:83).

[14] See the unpaged table of contents at the end of the *Key* (CWRW, 1:280-81). Jonathan Beecher Field, a professor of American literature, has written an interesting interpretation of the *Key* in chapter 2 of his book *Errands into the Metropolis: New England Dissidents in Revolutionary London* (Hanover, NH: University Press of New England / Dartmouth College Press, 2009). The following discussion will cite *Errands into the Metropolis* as appropriate. Field interprets the form of the *Key* as being similar to that in one of the early books of Comenius (1592-1670), a writer who was quite influential in the Puritan parliamentary circle that was to rule on Williams's application for a patent. *Errands into the Metropolis*, 27, 30-36, 39, 44. Although I find no reference to Comenius in Williams's extant correspondence or other writings, Field's interpretation is plausible, especially considering the fact that all of Williams's correspondence from March 8, 1640/41 to June 25, 1645 is missing and presumed lost. *Errands into the Metropolis*, 31 (citing editorial note in *CRW*, 1:216 (*sic*: should be 218)). Field's other interpretations of the title and form of the *Key* (including his references to the work of other scholars) are also worth consideration. *Errands into the Metropolis*, 36-44. However, I do not

necessarily agree with all the positions taken by Field in chapter 2 of his book.

[15] This observation has also been made by others, including by Field in *Errands into the Metropolis*, chap. 2 passim. Williams's explicit assertions of Native American equality with or superiority over Europeans on many ethical matters are often stated in his poetic conclusions to the chapters in the *Key*, though they are also sometimes stated in his observations. Some specific illustrations are discussed in the text. The other examples are too numerous to discuss or even cite. They occur repeatedly throughout the text, as can be seen by even a casual reader of the *Key*.

[16] RW, *Key*, 7 (*CWRW*, 1:96).

[17] Ibid., 9-10 (*CWRW*, 1:98).

[18] Ibid., 16 (*CWRW*, 1:106).

[19] Ibid., 18 (CWRW, 1:107).

[20] Ibid., 21 (CWRW, 1:110).

[21] Ibid., 70 (CWRW, 1:157).

[22] Ibid., 73 (CWRW, 1:160).

[23] Ibid., 69 (CWRW, 1:156).

[24] Ibid., 71 (CWRW, 1:158).

[25] Ibid., 75 (CWRW, 1:161).

[26] Ibid., 16 (CWRW, 1:106).

[27] Ibid., 49 (CWRW, 1:137).

[28] Ibid., 53 (CWRW, 1:141).

[29] Ibid., 76, 135, 137 (CWRW, 1:162, 225-26, 227).

[30] Ibid., 180-81 (CWRW, 1:264).

[31] Ibid., 137 (CWRW, 1:227).

[32] I agree with Professor Field on these points. *Errands into the Metropolis*, 27, 36-37, 42-43, 136nn27, 30; cf. Cronon, *Changes in the Land*, 54-58.

[33] *Key*, 93 [*sic*; page numbers of original edition out of order] (*CWRW*, 1:180); cf. ibid., 158 (CWRW, 1:245) (Amerindian

phrases regarding buying or giving land). The reference to another discourse is to *Christenings make not Christians*, discussed below. As to the importance of the placement of this argument in the middle of the book, see Arthur M. Melzer, *Philosophy Between the Lines: The Lost History of Esoteric Writing* (Chicago: University of Chicago Press, 2014), 321-22. Although Williams adopted this historically established technique of philosophical esoteric writing, it is unclear the extent to which he wrote esoterically in the manner discussed by Melzer. Williams, in contrast, to the pre-1800 philosophers discussed by Melzer, appeared to be perfectly sincere in his religious beliefs. Of course, the mortal dangers of appearing to be an atheist or agnostic in either England or New England during these middle decades of the seventeenth century were quite real. But if Williams was attempting to disguise a hidden atheism or agnosticism under a disguise of outward religious beliefs, he did so in a masterful manner that revealed few hints of his procedure. Although his Seekerism (discussed in Chapter 3) and his shaky account of the basis of faith (*Key*, 129 (*CWRW*, 1:160)) might be thought to evince rational skepticism, it seems to me, on the basis of all the historical evidence, that he actually believed what he said and wrote on theological matters. It was a further step, which Williams did not take, to the Deism of the Enlightenment—a development that did not occur in England until later and in New England until much later. Nevertheless, Williams consistently supported liberty of conscience for all, including unbelievers.

[34] Cronon, *Changes in the Land*, 58-69. As indicated in Chapter 3, I do not agree with the entirety of Cronon's analysis, but much of what he says appears to be accurate.

[35] RW, *Key*, 121 (*CWRW*, 1:213).

[36] RW, "*To my Deare and Welbeloved* Friends *and* Counrey-men," in *Key*, unpaged front matter (*CWRW*, 1:80).

[37] RW, "*To my Deare and Welbeloved* Friends *and* Counrey-men," in *Key*, unpaged front matter (*CWRW*, 1:80, 85-88); *Key*, 20-21, 26-27, 56, 93, 123-31, 197 (*CWRW*, 1:109, 114, 120, 144, 214-21, 279); "The Table," in RW, *Key*, unpaged back matter (*CWRW*, 1:281).

[38] Catalogue of Benjamin Franklin Library, *LibraryThing*, accessed August 4, 2013, http://www.librarything.com/catalog/BenjaminFranklin&collection=-1&deepsearch=Roger+Williams (use "suggested style"). A convenient and inexpensive paperback edition of the *Key* for the general reader is *A Key into the Language of America* . . . . , reprint of fifth edition, with an introduction by Howard M. Chapin (Bedford MA: Applewood Books, n.d.).

[39] RW, "To the Impartial Reader," in RW, *Mr. Cottons Letter Examined*, unpaged front matter (*CWRW*, 1:315-16); *CRW*, 1:31-32 (editorial note).

[40] *A Letter of Mr.* John Cottons *Teacher of the Church in* Boston, *in New-England to Mr.* Williams *a Preacher there. Wherein is shewed, That those ought to be received into the Church who are Godly, though they doe not see, nor expressly bewaile all the pollutions in Church-fellowship,* Ministry, Worship, Government (London 1643), reprinted in *CWRW* 1:295-311 and *CRW*, 1:33-44.

[41] The Thomason Date is February 5, 1643/44. See also *Thomason Catalogue*, 1:309.

[42] In 1652, Williams expressed an intention to respond to Cotton's *Reply*, but he apparently never did so, perhaps as a result of Cotton's death on December 23, 1652. RW, "To the Merciful and Compassionate Reader," in RW, *BTYMB*, unpaged front matter (*CWRW*, 4:41); *CWRW*, 4:41n1; *BTYMB*, 9 (*CWRW*, 4:61); *CWRW*, 4:61n1.

[43] RW, "To the Impartiall Reader," in *Mr. Cottons Letter Examined*, unpaged front matter (*CWRW*, 1:316).

[44] JC, *Reply* 1-2 (*CWRW*, 2:9-10) (no closing parenthesis in original of last quotation).

[45] Field, *Errands into the Metropolis*, chap. 1.

[46] *Cotton Letter*, 1 (*CWRW* 1:297) (*CRW*, 1:33-34).

[47] Ibid., 1-2 (*CWRW* 1:297-98) (*CRW*, 1:33-34).

[48] RW, "To the Impartiall Reader," in *Mr. Cottons Letter Examined*, unpaged front matter (*CWRW*, 1:315).

[49] RW, *Mr. Cottons Letter Examined*, 1 (*CWRW*, 1:319).

[50] Ibid., 5-7, 32-33 (*CWRW*, 1:326-27, 370-71).

[51] Ibid., 6-7 (*CWRW*, 1:328-29). With regard to the persons who claimed that their vote against Williams was motivated by Cotton's counseling them, the latter's answer was evasive, essentially admitting the allegation but making lawyer-like distinctions to try to avoid its force. Ibid., 37-39 (*CWRW*, 2:61-65).

[52] RW, *Mr. Cottons Letter Examined*, 10-11 (*CWRW*, 1:335); Williams here referenced the summary of his public doctrines by one of the magistrates at ibid., 4-5 (*CWRW*, 1:324-25), discussed in Chapter 2.

[53] RW, *Mr. Cottons Letter Examined*, 45 (*CWRW*, 1:392) (emphasis added).

[54] See also *Thomason Catalogue*, 1:309.

[55] By 1647, John Cotton knew that Williams had written *Queries of Highest Consideration*. JC, *Reply to Mr. Williams*, 1 (*CWRW*, 2:10). It is not clear when Williams's anonymity regarding the authorship of the *Queries* ceased, but one would think it lasted at least as long as it took him to get out of England a few months after it was published.

[56] Lockyer, *Tudor and Stuart Britain*, 344-45; Samuel Rawson Gardiner, ed., *The Constitutional Documents of the Puritan Revolution, 1625-1660* (Oxford: Clarendon, 1906), 267-71 (text of *Solemn League and Covenant*); Rowe, *Henry Vane*, 23-25; J. H. Adamson and H. F. Folland, *Sir Henry Vane: His Life and Times (1613-1662)* (Boston: Gambit, 1973), 197-99; Reuben Aldridge Guild, introduction to *Queries of Highest Consideration*, *CWRW*, 2:243-47.

[57] Guild, introduction to *Queries of Highest Consideration*, *CWRW* 2:244-47.

[58] Thomas Goodwin et al., *An Apologeticall Narration, Humbly Submitted to the Honourable Houses of Parliament* (London, 1644). The Thomason Date is January 3, 1644. See also *Thomason Catalogue* 1:304. The term "apology" was used in the seventeenth century in its primary meaning of "defense."

[59] Goodwin et al., *Apologeticall Narration*, 17-19, 21.

[60] Ibid., 26-27.

[61] The full title is *Queries of Highest Consideration, Proposed to Mr.* Tho. Goodwin, *Mr.* Phillip Nye, *Mr.* Wil. Bridges, *Mr.* Jer. Burroughs, *Mr.* Sidr. Simpson [the Congregationalist members of the Westminster Assembly] *and To the Commissioners from the Generall Assembly (so called) of the Church of Scotland; Upon occasion of their late Printed Apologies for themselves and their* Churches. *In all Humble Reverence presented to the view of the Right Honourable the Houses of the High Court of Parliament* (London 1644).

[62] [RW], *Queries*, unpaged front matter (*CWRW*, 2:253).

[63] Ibid. (*CWRW*, 2:254-55).

[64] John Milton, Areopagitica; *A Speech of Mr.* John Milton *For the Liberty of Unlicenc'd Printing, to the Parliament of* England (London, 1644). The Thomason Date is November 24, 1644, with a note by Thomason that it was *ex dono Authoris* (a gift by the author). See also *Thomason Catalogue*, 1:349.

[65] [RW], *Queries*, unpaged front matter (*CWRW*, 2:254).

[66] Ibid. (*CWRW*, 2:254-55).

[67] Ibid. (*CWRW*, 2:255-56).

[68] [RW], *Queries*, 1-2, 5-6, 13 (*CWRW*, 2:257-58, 264-65, 274-75); cf. RW, *Key*, 120 (*CWRW*, 1:212); RW, *Mr. Cottons Letter Examined*, 23, 45 (*CWRW*, 1:356, 392). Typology was to become one of the themes (though not the only one) of Williams's later writings.

[69] [RW], *Queries*, 7 (*CWRW*, 2:265-66).

[70] Ibid. (*CWRW*, 2:266).

[71] Ibid.

[72] Ibid., 7-8 (*CWRW*, 2:266-67).

[73] Ibid., 8 (*CWRW*, 2:268).

[74] Ibid.

[75] Ibid., 8-9 (*CWRW*, 2:268-69).

[76] Ibid., 11-12 (*CWRW*, 2:272-73).

[77] Ibid., 12-13 (*CWRW*, 2:274).

[78] Ibid., 13 (*CWRW*, 2:274).

[79] Ibid. (*CWRW*, 2:274-75).

[80] Ibid. (*CWRW*, 2:275) (emphasis added).

[81] Winslow, *Master Roger Williams*, 176, 179-80, 182-84, 187-88 (including endnotes); Field, *Errands into the Metropolis*, 36-47; RW to [General Court of Commissioners of Providence Plantations?], August 25, 1658, in *CRW*, 2:485; Rowe, *Henry Vane*, 45, 74, 195; Adamson and Folland, *Henry Vane*, 119-20.

[82] Chapin, *DHRI*, 1:215-16. Since no original of the patent exists, Chapin transcribed the earlier of two copies in the State Paper Office in London. Ibid., 217. Of the remaining two copies, Chapin noted that "[t]he copy in the R. I. Land Evidence contains several serious errors, while the copy on Providence Town Paper 03 [*ERP*, 15:5-5-7] has some errors and is defective in places." *DHRI*, 1:217. Accordingly, the account of this charter in the present text relies on the version transcribed by Chapin. Ibid., 1:215-17.

[83] Chapin, *DHRI*, 1:215-16. See also Field, *Errands into the Metropolis*, 45-47. Field interprets the language "all men with whome they shall have to doe" as meaning "mostly Plymouth and Massachusetts; given the hostility that still existed toward their 'hopeful beginnings, it certainly behooved Providence Plantations to have a sanction to 'maintaine justice.'" Ibid., 46. Field's interpretation of this language is undoubtedly correct.

[84] Chapin, *DHRI*, 1:216-17. The patent added that the English government reserved the right "to dispose of the generall government of that, as it stands in reference to the rest of the plantacions

in America, as they conceive from time to time most conduceing to the Genrall good of the said plantacions[,] the honor of his Matie [Majesty,] and the service of this state." It concluded with a provision authorizing Providence Plantations to adopt a public seal. Ibid. Note: Although Parliament was at war with the king, it still, at this time, continued to name the monarchy in its official papers. This practice later changed.

Chapter 5. The Bloudy Tenent Series (1644-52) and Christenings make not Christians (1646)

[1] RW, *BT*, unpaged front matter (*CWRW*, 3:6-7).

[2] Winslow, *Master Roger Williams*, 198-99 (quoting House of Commons Journal); RW to John Cotton Jr., March 25, 1671, in *CRW*, 2:628 ("Tis true, my first booke the bloudy Tenent was burnt by the Presbiterian partie (then prevailing)."). Seventeenth-century English often formed possessives in an archaic way. Thus, "*Williams* his book" meant "Williams's book."

[3] The full title of this original impression was *The Bloudy Tenent, of Persecution, for cause of Conscience, discussed, in* A *Conference* betweene *Truth and Peace. Who, In all tender Affection, present to the High Court of* Parliament*, (as the* Result *of their* Discourse) *these, (amongst other* Passages*) of* highest consideration (London, 1644). The Thomason Date was July 15, 1644; see also *Thomason Catalogue*, 1:334. This original version was reprinted in volume 3 of *The Complete Writings of Roger Williams*, and it is this version that is cited and quoted in the present book. For a twenty-first-century edition of *The Bloudy Tenent*, with modernized orthography and the omission of Williams's printed marginalia, see Roger Williams, *The Bloudy Tenent of Persecution for Cause of Conscience . . .* , ed. Richard Groves (Macon, GA: Mercer University Press, 2001). Note: Williams composed his own printed marginalia, and this was a common seventeenth-century practice. The marginalia

sometimes differed from the text and sometimes added information that Williams learned after writing the text. Williams may have added some or all of the marginalia at the time he was reviewing page proofs.

[4] Winslow, *Master Roger Williams*, 197-99.

[5] The full title was *The Bloudy Tenet, of Persecution, for cause of* Conscience*, discussed, in* A *Conference* betweene *Truth and Peace, Who, In all tender affection, present to the High Court of Parliament, (as the* Result *of their* Discourse) *these, (amongst other* Passages*) of* highest consideration (London, 1644). This printing is not listed in the Thomason Collection. The EEBO copy is from the original in the John Carter Brown Library

[6] *Oxford English Dictionary Online*, s.v. "tenent," accessed March 10, 2013, http://www.oed.com/view/Entry/199118; Samuel L. Caldwell, preface to *The Bloudy Tenent*, in *CWRW*, 3:iv; Groves, preface to *The Bloudy Tenent*, ed. Groves, viii.

[7] *BTYMB*, 38 (*CWRW*, 4:103).

[8] Winslow, *Master Roger Williams*, 184-86 (quotation at 186).

[9] *BTYMB*, 38 (*CWRW*, 4:104).

[10] JC, *The Bloudy Tenent, Washed, And made white in the bloud of the Lambe: being discussed and discharged of blood-guiltiness by just Defence . . .* (London, 1647) (hereafter cited as *Bloudy Tenent Washed* or *BTW*). The entire title is too long to reproduce here.

[11] RW, *The Bloody Tenent Yet More Bloody: By Mr Cottons endevour to wash it white in the Blood of the* Lambe*; Of whose precious Blood, spilt in the Blood of his Servants; and Of the blood of Millions spilt in former and later Wars for Conscience sake, that Most Bloody Tenent of Persecution for cause of Conscience, upon a second Tryal, is found now more apparently and more notoriously guilty . . .* (London, 1652). Again, the remainder of the title is too lengthy to repeat here. All references in the present book to page lengths are to original editions. Williams was working on *The Bloody Tenent Yet More Bloody* no later than June 20, 1650, and had sent his draft to a London publisher

before September of 1651. RW to John Winthrop Jr., June 20, 1650, in *CRW*, 1:316; RW to Governor John Endecott, ca. August-September 1651, in ibid., 339, 347[g] (Williams's marginal note stating that "[t]his Rejoynder [*BTYMB*] was sent to *England* long since, and hoped to have been published").

[12] "Publishers' Foreword," in *CWRW* 7:3.

[13] *BT*, unpaged front matter (*CWRW*, 3:3-4).

[14] *BT*, unpaged front matter (*CWRW*, 3:3). A printing error (repetition of "for") in the second numbered paragraph of the summary has been silently corrected. These religious arguments are scattered throughout *The Bloudy Tenent* and *The Bloody Tenent Yet More Bloody*, and they are too extensive to cite inclusively here. For reasons of space, the present book does not discuss them in depth, but the interested reader is directed to the original texts, as well as to Cotton's *Bloudy Tenent Washed*, for a detailed discussion of them.

[15] *BT*, unpaged front matter (*CWRW*, 3:3-4).

[16] "[P]rior to the nineteenth century, all philosophers, in one degree or another, adjusted the presentation of their thought to the particular conventions prevailing in their time and place." Melzer, *Philosophy Between the Lines*, 346. Williams sometimes "creatively adjust[ed] his comments to satisfy his reader's expectations . . . ." *CRW*, 2:719-20 (editorial note).

[17] BT, unpaged front matter (CWRW, 3:5).

[18] Ibid., unpaged front matter (CWRW, 3:6-7). "Glass," in 1644, could have meant mirror, hourglass, telescope, eyeglasses, or perhaps microscope, all of which had been invented before that time. The word "glass" appears three times in the body of The Bloudy Tenent. The first use is in the meaning of a mirror. Ibid., 108 (CWRW, 3:205). The second use also means a mirror. Ibid., 209 (CWRW, 3:364). The third use is as a timekeeping device: "some sand left in this our houre glasse of mercifull opportunitie . . . ." Ibid., 242 (CWRW, 3:417).

[19] Ibid., unpaged front matter (CWRW, 3:7).

[20] Ibid., unpaged front matter (CWRW, 3:8-9).

[21] Ibid., unpaged front matter (CWRW, 3:11-13).

[22] [John Murton], "Scriptures and Reasons written long since by a Witnesse of Jesus Christ, close Prisoner in Newgate, against Persecution in cause of Conscience . . . ," in BT, 1-6 (CWRW, 3:29-39); [Murton], A Most Humble Supplication of Many of the King's Majesty's Loyal Subjects, Ready to Testify All Civil Obedience, by the Oath of Allegiance, or Otherwise, and that of Conscience; Who Are Persecuted (Only for Differing in Religion), Contrary to Divine and Human Testimonies (n.p., 1620), reprinted in Tracts on Liberty of Conscience and Persecution, 1614-1661, ed. Edward Bean Underhill (London, 1846), 214-25; William R. Estep, Revolution within the Revolution: The First Amendment in Historical Context, 1612-1789 (Grand Rapids, MI: William B. Eerdmans, 1990), chaps. 2-3, esp. 28-32, 58-62; Estep, The Anabaptist Story: An Introduction to Sixteenth-Century Anabaptism, 3rd ed. (Grand Rapids, MI: William B. Eerdmans, 1996), chap. 11. Evidently, Murton's Humble Supplication was published in somewhat different form in 1621, and that is the version that appears on EEBO. However, Williams must have utilized the 1620 edition or the excerpt from the 1620 edition, because The Bloudy Tenent substantially tracks the language of that edition. Williams wrote that he had seen the prisoner's arguments in print, apparently before receiving the prisoner's arguments and Cotton's reply from John Hall of Roxbury. BTYMB, 4 (CWRW, 4:54). Williams distinguished between the "Arguments in writing" (handwriting?) that he received from Hall and the printed version of the tract that he had evidently already seen. Ibid. It is not clear whether Hall sent him the entire tract or only an excerpt from it, but The Bloudy Tenent included only an excerpt.

[23] Matthew 13:24-30 (NKJV).

[24] Matthew 13:36-42 (NKJV) (verse numbers and paragraph breaks omitted). As noted in Chapters 1 and 2, Williams had studied the New Testament in the Greek language and was not dependent on the English translations offered by the Geneva Bible (preferred by many Puritans) or the King James (Authorized) Version (preferred by Anglicans). Williams would not have liked the commentary added to the text by the Calvinists in the Geneva Bible. Cotton's interpretation of the parable of the wheat and the tares, discussed below, followed that commentary; Williams's interpretation, also discussed below, disagreed with it. The translation of the New Testament used in the present book is that of the New King James Version, which is one of the most accurate translations and which is without internal commentary.

[25] BT, 1-6 (CWRW, 3:29-39).

[26] Ibid., 1 (CWRW, 3:29). Cotton had a different version of the historical background of his letter. In his 1647 response, he said that Williams himself had sent him the prisoner's text some ten years earlier and had asked Cotton's judgment of it for the satisfaction of his friend. Cotton therefore gave his view of it in a private letter to Williams. Cotton claimed not to have a copy of his own letter. BTW, 1-2. In his 1652 reply, Williams denied that he sent Cotton any such letter, stating that (John) Hall of Roxbury presented the prisoner's arguments against persecution to Cotton, who responded in a letter that Hall forwarded to Williams and that Williams reprinted in The Bloudy Tenent. BTYMB, 3-4 (CWRW, 4:53-54).

[27] BT, 7-14 (CWRW, 3:41-53).

[28] Ibid., 18-19 (CWRW, 3:61-62).

[29] Ibid., 8 (CWRW, 3:43).

[30] John Calvin, Commentary on Matthew 13:24-30 and 36-43, in Commentary on a Harmony of the Evangelists, Matthew, Mark, and Luke, trans. William Pringle, in The Complete Biblical

Commentary Collection of John Calvin (Seattle: Amazon Digital Services, 2012), Kindle ed., loc. 382485-666.

[31] Letter of John Cotton, in BT, 14 (CWRW, 3:52).

[32] BT, 40-53 (CWRW, 3:97-119). Williams specifically expressed disagreement with Calvin's interpretation of the parable. Ibid., 41 (CWRW, 3:98). In disagreeing with Calvin on another issue, Williams stated: "I answer, if Paul himself were joyned with them, yea or an Angel from Heaven bringing any other rule then what the Lord Jesus hath once delivered, we have Pauls conclusion and resolution, peremptory and dreadful, Gal. 1.8." Ibid., 112 (CWRW, 3:211-12). In Galatians 1:8 (NKJV), Paul wrote: "But even if we, or an angel from heaven, preach any other gospel to you than what we have preached to you, let him be accursed."

[33] Ibid., 47 (CWRW, 3:109); see also ibid., 53 (CWRW, 3:118).

[34] Ibid., 53 (CWRW, 3:118).

[35] BTW, 36-56; BTYMB, 46-74 (CWRW, 4:114-55).

[36] BT, 247 (CWRW, 3:424-25).

[37] The Model of Church and Civil Power begins on page 118 of the original edition of the Bloudy Tenent (CWRW, 3:221). Williams includes Cotton as one of its authors. Ibid. The Model is no longer extant, and the only text we have of it is from Williams's excerpts in The Bloudy Tenent.

[38] BTW, 192-95.

[39] BT, 4-5 (CWRW, 3:35-37); cf. Martin Luther, "Temporal Authority: To What Extent It Should Be Obeyed" (1523), in Martin Luther's Basic Theological Writings, ed. Timothy F. Lull (Minneapolis: Fortress, 1989), 655-703 passim.

[40] BT, 13 (CWRW, 3:50-51).

[41] Ibid., 106 (CWRW, 3:202-03).

[42] BTW, 163; cf., generally, ibid., 161-64.

[43] BTYMB, 242-43 (CWRW, 4:407-9)

[44] Richard Marius, Martin Luther: The Christian between God and Death (Cambridge, MA: Belknap Press of Harvard University Press, 1999), 256.

[45] Duncan B. Forrester, "Martin Luther, 1483-1546, John Calvin, 1509-1564," in History of Political Philosophy, 3rd ed., ed. Leo Strauss and Joseph Cropsey (Chicago: University of Chicago Press, 1987), 343.

[46] Marius, Martin Luther, 377-80; Marty, Martin Luther, chap. 4, Kindle loc. 2185-259.

[47] BT, 113-14, 158-59 (CWRW, 3:213-14, 282); BTYMB, 273-74 (CWRW, 4:457-58). Cf. BT, 37-38, 137-38, 210-11, 230, 243, 246 (CWRW, 3:92-93, 249-50, 366-67, 398-99, 418, 423); BTYMB, 83-86, 96, 287, 295-96 (CWRW, 4:169-73, 187, 478, 490-92).

[48] BTYMB, 96 (CWRW, 4:187).

[49] BT, 243 (CWRW, 3:418).

[50] Ibid., 19-20, 25 (CWRW, 3:62-63, 72).

[51] Ibid., 25 (CWRW, 3:72).

[52] BTYMB, 29 (CWRW, 4:90).

[53] Ibid., 160-61 (CWRW, 4:282-83).

[54] BT, 203 (CWRW, 3:355).

[55] Ibid., 139-40, 239-41 (CWRW, 3:253-54, 412-16); BTYMB, 215-16 (CWRW, 4:364-65).

[56] BT, 203 (CWRW, 3:355).

[57] Ibid., 169 (CWRW, 3:299).

[58] Ibid., 101, 127, 172-73, 228 (CWRW, 3:194-95, 234, 303-4, 395-96); BTYMB, 104, 174-75, 216, 230-31 (CWRW, 4:104-5, 301-4, 365-66, 391).

[59] BT, 163 (CWRW, 3:289).

[60] Appendix B, infra; BT, 161, 238-39, 242 (CWRW, 3:286-87, 411-12, 416).

[61] BTYMB, 216, 246 (CWRW, 4:365, 414).

[62] Chapter 2, supra; BT, 139-40 (CWRW, 3:253-54).

[63] BTYMB, 283 (CWRW, 4:471-72).

[64] RW, "To the several Respective General Courts, especially that of the Massachusetts in N. England," in BTYMB, unpaged front matter (CWRW, 4:29). Cf. Melzer, Philosophy Between the Lines passim. Melzer's book does not mention Roger Williams. Indeed, it asserts that "no premodern philosopher— no thinker before Pierre Bayle, to be exact— ever openly argued that society could be separated from religion." Ibid., 181. However, The Bloudy Tenent was published (1644) before Bayle (1647-1706) was even born, not to mention Williams's earlier speech, writings, and political actions explicitly advocating separation of church and state.

[65] RW, "To the several Respective General Courts," in BTYMB, unpaged front matter (CWRW, 4:30). Cf. Teresa M. Bejan, "'When the Word of the Lord Runs Freely,'" in The Lively Experiment: Religious Toleration in America from Roger Williams to the Present, ed. Chris Beneke and Christopher S. Grenda (Lanham, MD: Rowman and Littlefield, 2015), Kindle ed., chap. 4.

[66] BT, 108 (CWRW, 3:205).

[67] BT, 39 (CWRW, 3:95).

[68] BTYMB, 68, 291-95 (CWRW, 4:146, 484-89). Cf. RW to John Winthrop Jr., February 16, 1649/50, in CRW, 1:308-9; RW to John Winthrop Jr., ca. June 20, 1650, in *CRW*, 1:316, 320-21 (enclosure); [RW], *The Examiner defended*, 75-76 (*CWRW*, 7:262-63) (the civil crime of adultery is based on natural rather than spiritual law).

[69] Ibid., 161 (*CWRW*, 4:282).

[70] Ibid., 69 (*CWRW*, 4:148).

[71] *BT*, 151 (*CWRW*, 3:270). Cf. ibid., 16 (*CWRW*, 3:57) ("While all mens *Tongues* are bent like *Bowes* to shoot out lying words against Me!"); 41 (*CWRW*, 3:98-99) ("the *Old Serpent* hath deceived his perilous soul [per Errata, 247 (*CWRW* 3:425)], and by *Tongue* and *Pen* would deceive the soules of others by such a *method* of dividing the word of *truth*").

[72] *BTYMB*, 184 (*CWRW*, 4:317).
[73] *BT*, 24 (*CWRW*, 3:72).
[74] Ibid., 25 (*CWRW*, 3:72-73).
[75] Ibid., 26 (*CWRW*, 3:74).
[76] *BTYMB*, 299 (*CWRW*, 4:496); cf. *BT*, 125 (*CWRW*, 3:231).
[77] Ibid., 301 (*CWRW*, 4:498).
[78] Ibid., 256 (*CWRW*, 4:430).
[79] Ibid., 299-300 (*CWRW*, 4:496-98).
[80] *BT*, 67 (*CWRW*, 3:142) cf. ibid., 160 (*CWRW*, 3:285); *BTYMB*, 17 (*CWRW*, 4:73).
[81] RW, "*To my Deare and Welbeloved* Friends *and* Counreymen," in *Key*, unpaged front matter (*CWRW*, 1:87).
[82] *Key*, 93 [*sic*; page numbers of the original edition are out of order here] (*CWRW*, 1:180).
[83] RW, "The Table," in *Key*, unpaged back matter (*CWRW*, 1:281).
[84] Cf. Aristotle, *Poetics* 1450b, 1459a; Melzer, *Philosophy Between the Lines*, 321-22 (discussing, *inter alia*, Cicero's writings on rhetoric).
[85] The publication date printed on the title page is 1645. The Thomason Date is "Jan. 23th." January 23, 1645, on the Julian calendar used in England and New England during the seventeenth century would be January 23, 1646, on our current Gregorian calendar (the former Julian calendar beginning the new year on March 25 and ignoring the skipping of days that occurred at the transition to the Gregorian calendar in 1752). The date assigned by the *Thomason Catalogue* is January 23, 1646 (Gregorian calendar), *Thomason Catalogue*, 1:416, and the edition we have of the *Thomason Catalogue* appears to be based on the chronology of the catalogue originally compiled by George Thomason in the seventeenth century, ibid., xxiv-xxv. Accordingly, the correct Thomason Date is January 23, 1645/46.
[86] Field, *Errands into the Metropolis*, 30, 43.
[87] *Christenings make not Christians*, 1 (*CWRW*, 7:31).
[88] Ibid., 3-4 (*CWRW*, 7:32).

[89] Williams had touched on the issue in *The Bloudy Tenent*. E.g., *BT*, 89, 182, 209-10 (*CWRW*, 3:174-75, 320-21, 365). As observed above, *The Bloudy Tenent* was published anonymously, though Williams's authorship of it became known not long after it was published.
[90] *Christenings make not Christians*, 4 (*CWRW*, 7:32-33).
[91] Ibid., 5-9 (CWRW, 7:33-35).
[92] Ibid., 9-11 (CWRW, 7:35-36).
[93] Ibid., 11-18 (CWRW, 7:36-39).
[94] Ibid., 19-21 (CWRW, 7:40-41).
[95] The Thomason Date was November 30, 1644; see also *Thomason Catalogue*, 1:350.
[96] *A Paraenetick or Humble Addresse*, 12-14.
[97] John Coffey, *John Goodwin and the Puritan Revolution: Religion and Intellectual Change in Seventeenth-Century England* (Rochester, NY: Boydell, 2006), 300-1, 311; cf. Blair Worden, *God's Instruments: Political Conduct in the England of Oliver Cromwell* (Oxford: Oxford University Press, 2012), 328; Carolyn Polizzotto, "Liberty of Conscience and the Whitehall Debates," *Journal of Ecclesiastical History* 26, no. 1 (January 1975): 70n5, doi: 10.1017/S0022046900060310.

Chapter 6. Providence Plantations (1644-51)

[1] As quoted in *Winthrop Journal*, 540-41.
[2] Chapin, *DHRI*, 1:219.
[3] Ibid.
[4] Ibid., 221-23.
[5] Ibid., 222.
[6] *Winthrop Journal*, 574; Chapin, *DHRI*, 1:224-27.
[7] *CRW*, 1:226.
[8] Ibid., 226-27n1; RW to Major Mason and Gov. Prence, June 22, 1670, in *CRW*, 2:613.

[9] RW to Major Mason and Gov. Prence, June 22, 1670, in *CRW*, 2:613.
[10] Chapin, *DHRI*, 1:227-30; RW to Major Mason and Gov. Prence, June 22, 1670, in *CRW*, 2:613.
[11] Chapin, *DHRI*, 1:223.
[12] Ibid., 232-33; *The Proceedings of the First General Assembly of "The Incorporation of Providence Plantations," and the Code of Laws Adopted by That Assembly in 1647*, ed. William R. Staples (Providence, RI, 1847), 11 (hereafter cited as *1647 Code of Laws*).
[13] *1647 Code of Laws*, 11-12.
[14] William R. Staples, *Annals of the Town of Providence from Its First Settlement, to the Organization of the City Government in June 1832*, in *RIHS Collections* 5 (1843): 64.
[15] *ERP*, 15:9-10 (*CRW*, 1:230).
[16] See Staples, *Annals of the Town of Providence*, in *RIHS Collections*, 5:66.
[17] *1647 Code of Laws*, 13.
[18] James, *Colonial Rhode Island*, 74
[19] *1647 Code of Laws*, 13.
[20] Ibid., 12-13.
[21] *ERP*, 15:14-16, 34-35; *RI Records* 1:228 (as of May 23, 1650, the representative committee was granted the full power of the General Assembly). The minutes began referring to these representatives as "Commissioners" on November 4, 1651. *RI Records* 1:235.
[22] *1647 Code of Laws*, 14.
[23] Ibid., 17.
[24] See the editorial note at ibid. However, I am not convinced that the note's interpretation of the meaning of this division is entirely correct.
[25] Ibid., 18. The *1647 Code of Laws*, edited by William Staples, does not attempt to reproduce the spelling and capitalization of the original handwritten manuscript. Since the handwritten

manuscript is not available to the present author, the alternative is to use the version in *RI Records* 3:147-208, which does purport to follow the spelling and capitalization of the original. However, as discussed above in the "Note on Quotations, Citations, and Dates," *RI Records* is famously inaccurate and is not followed in the present book when another primary source edition is available.
[26] *ERP*, 2:29; Staples, *Annals of the Town of Providence*, in *RIHS Collections*, 5:60-61.
[27] *RI Records* 1:245-46; Samuel Greene Arnold, *History of the State of Rhode Island and Providence Plantations*, vol. 1 (New York, 1859), 242.
[28] *1647 Code of Laws*, 18.
[29] Ibid., 19 (editorial note).
[30] *RI Records* 1:243.
[31] Dorr, *Proprietors of Providence*, 38.
[32] Lemons, *First Baptist, Providence*, xxxvii-xxxviii; Lemons, *First*, 27-28.
[33] Chapin, *DHRI*, 1:216.
[34] *1647 Code of Laws*, 20-46 passim.
[35] Ibid., 27.
[36] Ibid., 27n.
[37] Ibid., 45.
[38] Ibid., 45n.
[39] Ibid., 31-32.
[40] Ibid., 32.
[41] Ibid., 36.
[42] Ibid., 33-36.
[43] Joanna Grossman, "The Virginia Supreme Court Strikes Down the State's Fornication Law, Indicating That Other States' Antiquated Laws Will Fall If Challenged," *FindLaw*, January 25, 2005, http://writ.lp.findlaw.com/grossman/20050125.html (noting, *inter alia*, that fornication and adultery criminal laws are rarely enforced); *Lawrence v. Texas*, 539 U.S. 558 (2003).

[44] *1647 Code of Laws*, 28-45 passim.
[45] Ibid., 42.
[46] Ibid., 45.
[47] Ibid., 45-46.
[48] Ibid., 47-48.
[49] Ibid., 48n.
[50] Fischer, *Albion's Seed*, 77-78.
[51] *BTYMB*, 161 (*CWRW*, 4:282).
[52] *1647 Code of Laws*, 48-50
[53] Ibid., 50n (editorial note).
[54] Ibid., 42-43.
[55] Ibid., 51.
[56] Ibid., 53-54.
[57] Ibid., 51-62
[58] Ibid., 32-37 (editorial note), 50; see also Chapter 2 and Appendix B of the present book.
[59] Chapin, *DHRI*, 1:252-54, 269-71; Staples, *Annals of the Town of Providence*, in *RIHS Collections*, 5:73-75; Arnold, *History of Rhode Island*, 1:226.
[60] *RI Records* 1:280.
[61] E.g., ibid., 263, 273, 282.
[62] Ibid., 299-302.
[63] Arnold, *History of Rhode Island*, 1:256 (footnotes omitted).
[64] *ERP*, 2:94.
[65] Ibid., 2:112.
[66] Chapin, *DHRI*, 1:257-71; Arnold, *History of Rhode Island*, 1:213-21; Field, *Errands into the Metropolis*, chap. 3; *Records of the Colony of New Plymouth in New England: Acts of the Commissioners of the United Colonies of New England*, vol. 1, *1643-1651*, ed. David Pulsifer (Boston, 1859), 110; Bowen, *Providence Oath of Allegiance*, 10-11.
[67] RW to John Winthrop Jr., September 23, 1648, in *CRW*, 1:249; cf. *CRW*, 1:249-50nn4-7.

[68] *ERP*, 15:17-18 (*CRW*, 1:238-39). Cf. the statement dated December 1647 and signed by Robert Williams, Roger Williams, and several others, in which the signatories pledged a course of moderation in political matters. Since Robert Williams was the first person signing the December 1647 document and since it was not written in Roger Williams's style, it is possible that Robert—not his brother Roger—Williams was its author. *ERP*, 15:11-12.
[69] *CRW*, 1:xxxvi, 218, 324 (editorial notes); RW to John Winthrop Jr., June 22, 1645, in *CRW*, 1:219; RW to John Winthrop Jr., before January 29, 1648/49, in *CRW*, 1:269; RW to John Winthrop Jr., April 15, 1649, in *CRW*, 1:283; RW to John Winthrop Jr., June 13, 1649, in *CRW*, 1:290-91; RW to John Winthrop Jr., October 25, 1649, in *CRW*, 1:300; RW to John Winthrop Jr., February 24, 1649/50, in *CRW*, 1:310; RW to John Winthrop Jr., in *CRW*, 1:312; RW to John Winthrop Jr., ca. October 23, 1650, in *CRW*, 1:327; RW to John Winthrop Jr., ca. February 15, 1654/55, in *CRW*, 2:429; RW to John Winthrop Jr., March 23, 1654/55, in *CRW*, 2:434; RW to John Winthrop Jr., April 26, 1655, in *CRW*, 2:440; John Winthrop Jr. to RW, January 6, 1675/76, in *CRW*, 2:710; Woodward, *Prospero's America*, chaps. 3-4 passim.
[70] RW to John Winthrop Jr., before January 29, 1648/49, in *CRW*, 1:268-69.
[71] RW to John Winthrop Jr., January 29, 1648/49, in *CRW*, 1:271.
[72] William Coddington to John Winthrop Jr., September 31 [*sic*], 1648, in *Winthrop Papers* (Boston: Massachusetts Historical Society, 1947), 5:262-63.
[73] RW to John Winthrop Jr., ca. March 20, 1648/49, in *CRW*, 1:274; *CRW*, 1:275n9.
[74] *ERP*, 15:14-16; *RI Records* 1:216-19, 228, 299-302; RW to John Winthrop Jr., ca. March 20, 1648/49, in *CRW*, 1:274; *CRW*, 1:275n7; *ERP*, 15:22 (*CRW*, 1:285); Arnold, *History of Rhode Island*, 1:219-22; Bowen, *Providence Oath of Allegiance*, 9-11. There is a discrepancy

between the minutes of the May 16, 1648 Court of Election reported in *ERP*, 15:14-16, and the minutes of that meeting as reported in *RI Records* 1:208-14.

[75] RW to John Winthrop Jr., May 26, 1649, in *CRW*, 1:288. Although unstated, perhaps it was hoped that the younger Winthrop, evidently more tolerant than his father, might have sufficient gravitas as the son of the Massachusetts Bay founder to resist the imperialistic designs of the other colonies. In any event, Winthrop never moved within the boundaries of Providence Plantations. Later, as we shall see in Chapter 8, he attempted to obtain territory on Connecticut's behalf at the expense of the Rhode Island colony. Williams obviously did not see this side of Winthrop's personality in 1649.

[76] RW to John Winthrop Jr., May 26, 1649, in *CRW*, 1:288. A few weeks later, Williams informed Winthrop that a ship from England had confirmed the news of the king's death. RW to John Winthrop Jr., June 13, 1649, in *CRW*, 1:291.

[77] RW to John Winthrop Jr., October 25, 1649, in *CRW*, 1:300.

[78] RW to John Winthrop Jr., ca. June 20, 1650, in *CRW*, 1:316; cf. *CRW*, 1:318n6 and ibid., 319n8.

[79] Bowen, *Providence Oath of Allegiance*, 12-14 (citing and quoting English governmental records).

[80] *1647 Code of Laws*, 14.

[81] *RI Records* 1:227.

[82] RW to John Winthrop Jr., October 9, 1650, in *CRW*, 1:323-24.

[83] *ERP*, 15:36.

[84] RW to the Inhabitants of the Towne of Providence, January 22, 1650/51, in *ERP*, 15:39-40 (*CRW*, 1:330-31). For additional details regarding the payment of the Providence Plantations towns to Williams for the first trip, see the editorial note at *CRW*, 1:332n9. However, I do not see any historical evidence directly supporting the statement therein that Williams had declined "to undertake a second mission to England until the expenses for his first mission

had been paid." Ibid. The historical evidence is unclear as to the exact reasons for Williams's reluctance to undertake a second journey to England, and the January 22, 1650/51 letter quoted at length in the text suggests that the delay in payment to Williams may not have been the reason or, at least, not the most important reason.

[85] Clarke, *Ill Newes*, 1 (BSB ed., 27).

[86] Ibid., 2 (BSB ed., 27-28).

[87] Ibid., 2 (BSB ed., 28); James, *John Clarke*, 45.

[88] Clarke, *Ill Newes*, 3-4 (BSB ed., 29-30).

[89] Ibid., 5 (BSB ed., 31).

[90] Ibid., 5-6, 23-24 (BSB ed., 31-32, 53) (italics omitted).

[91] Ibid., 6 (BSB ed., 32).

[92] Ibid.

[93] Ibid., 6-7 (BSB ed., 32-33).

[94] Ibid., 7-14 (BSB ed., 33-42); *CRW*, 1:336n1.

[95] Clarke, *Ill Newes*, 14-16 (BSB ed., 42-43).

[96] Ibid., 16-35 (BSB ed., 43-65); *CRW*, 1:336n1.

[97] RW to John Winthrop Jr., ca. early August 1651, in *CRW*, 1:332.

[98] RW to John Winthrop Jr., ca, late August 1651, in *CRW*, 1:336.

[99] RW to John Winthrop Jr., ca. May 23, 1650, in *CRW*, 1:313-14; RW to Governor John Leverett, January 14, 1675/76, in *CRW*, 2:714. See also editorial notes at *CRW*, 1:181, 313, 317, 321, 324, and 2:429.

[100] RW to Governor John Endecott, ca. August-September 1651, in *CRW*, 1:337-47.

[101] *BTYMB*, 303-13 (*CWRW*, 4:502-18). The following discussion cites to the letter in *The Correspondence of Roger Williams*, *CRW*, 1:337-47, which is a reproduction of the letter printed in *The Bloody Tenent Yet More Bloody* (the original manuscript being no longer extant). Italics are omitted in my quotations from the letter, as it is unlikely that Williams italicized anything in the original handwritten manuscript.

[102] RW to Governor John Endecott, ca. August-September 1651, ca. August-September 1651, in *CRW*, 1:337. My present discussion of Williams's letter is somewhat more interpretative than what I normally venture, but the letter itself, which is filled with pregnant indications and silences, invites such interpretation.

[103] Ibid., 337-38.

[104] Ibid., 338. This is an example of where Williams (who knew Hebrew as well as Greek and Latin) must have been relying on his own translation, because both the Geneva Bible and the King James Version use the word "faulty" instead of "guilty" in translating this passage. The twentieth-century New King James Version and New American Standard Bible both use "guilty" rather than "faulty" as the correct English translation. The NKJV translation is quite similar to Williams's translation, though expressed in declarative rather than interrogative form: "For the king speaks this thing as one who is guilty . . . ."

[105] RW to Governor John Endecott, ca. August-September 1651, in *CRW*, ca. August-September 1651, in *CRW*, 1:338.

[106] Ibid.

[107] Ibid., 338-39.

[108] Ibid., 340-42.

[109] Ibid., 342-43.

[110] Ibid., 343-44.

[111] Ibid., 345.

[112] Ibid., 346.

[113] RW to John Winthrop Jr., ca. early August 1651, in *CRW*, 1:333. The English Council of State had made Coddington governor for life of Aquidneck and Conanicut Islands in April of 1651. Bowen, *Providence Oath of Allegiance*, 13-14 (citing and quoting official records of the English Council of State).

[114] *Rhode Island Records*, 234-35.

[115] *Acts of the Commissioners of the United Colonies*, 1:215-16.

[116] E.g., RW to John Winthrop Jr., June 13, 1649, in *CRW*, 1:291; RW to John Winthrop Jr., ca. September 24, 1649, in *CRW*, 1:297; RW to John Winthrop Jr., November 10, 1649, in *CRW*, 1: 302-3.

[117] RW to John Winthrop Jr., May 9, 1649, in *CRW*, 1:285-86.

[118] RW to John Winthrop Jr., October 6, 1651, in *CRW*, 1:351. The deed of sale was dated September 3, 1651. *CRW*, 1:352n3.

[119] RW to the General Court of Massachusetts Bay, before October 14, 1651, in *CRW*, 1:353-54; *CRW* 6:233 (notice by William Torrey, Clerk, that the Massachusetts deputies "think meet to grant this petition, viz.: liberty to Mr. Williams to pass through our jurisdiction to England, provided he carry himself inoffensively according to his promise, with reference to the consent of our honored magistrates").

[120] Backus, *History of New-England*, 274 (Backus's note: "*Copied from the original papers now before me*").

[121] *CRW*, 1:355n9.

[122] Acts and orders made at the Generall Sessions of the Committee at Providence, the 4th of November, 1651, in *RI Records* 1:233.

Chapter 7. Roger Williams's Second Visit to England (1652-54)

[1] *CWRW*, 4:15.

[2] This section relies, in part, on James Ernst, "Roger Williams and the English Revolution," *RIHS Collections* 24, no. 1 (January 1931): 1-58; Ernst, "Roger Williams and the English Revolution (Cont'd)," *RIHS Collections* 24, no. 3 (July 1931): 118-28; and Ernst, *Roger Williams*, chap. 11. Ernst based these writings on his study of the Thomason Collection in the British Library. Ernst, "Roger Williams and the English Revolution," *RIHS Collections* 24:3. The Thomason Collection is now available online through EEBO. As

discussed in the "Notes on Primary and Secondary Sources" near the end of the present book, Ernst was somewhat overzealous and inaccurate in advancing his thesis that Williams was primarily an advocate of secular democratic political theory and only secondarily a proponent of liberty of conscience and separation of church and state. See also Chapters 2-6, *supra*. Although it is true that Williams, in contrast to divine rights theorists of his time, based government on a general concept of popular sovereignty, he was not the first early modern thinker to so ground his political philosophy. "Old philosophical ideas such as popular sovereignty and contract which had been commonplaces in the Middle Ages, but rejected by the Reformers [Luther and Calvin], were now [in the sixteenth century] reappearing in a new, ostensibly biblical, guise" by John Knox (1514-72) and other Puritans. Duncan B. Forrester, "Richard Hooker, 1553-1600," in *History of Political Philosophy*, 3rd ed., ed. Strauss and Cropsey, 357. Even Ernst recognized that Williams did not himself invent social contract theory. *Roger Williams*, 422. A full reading of Williams's writings, moreover, leads one to the inescapable conclusion that his main preoccupation was liberty of conscience and separation of church and state. He was not a "democrat" in our sense of the term. Specifically, he did not support extending the electoral franchise to all male adults in a community, let alone to female adults (see Chapter 3, *supra*). Ernst cites no primary-source evidence (and I am aware of none) corroborating his view that Williams favored "government by consent of the governed **of all classes** . . . ." Ernst, *Roger Williams*, 279 (emphasis added). Indeed, even many eighteenth- and early nineteenth-century Americans favored a property qualification as a prerequisite for the right to vote and would not extend the right to vote to women (or slaves, where slavery existed) under any circumstances. As late as the 1829 Virginia constitutional convention, James Madison "preferred universal [white] manhood suffrage

but did not think Virginians were ready for it, so he endorsed extending the vote to male heads of households who paid taxes, which would end the property-ownership requirement." David O. Stewart, *Madison's Gift: Five Partnerships That Built America* (New York: Simon & Schuster, 2015), 297. Madison's concept was similar to Williams's restriction of the franchise to male householders almost two centuries earlier (see Chapter 3). The present section of this book goes back to some of the primary sources on which Ernst predicated his analysis. It cites Ernst's writings only guardedly and only on those points in which they appear to be solidly based on his study of the primary-source evidence.

[3] Robert Baillie, Publike Letter, June 7, 1644, in *The Letters and Journals of Robert Baillie, A.M., Principal of the University of Glasgow*, vol. 2, ed. David Laing (Edinburgh, 1841), 191-92.

[4] Robert Baillie to Mr. D. D[ickson], July 23, [1644], in ibid., 211-12. I have silently corrected Baillie's strange use of singular verbs with plural subjects. This letter was dated shortly after the publication of *The Bloudy Tenent* (Thomason Date: July 15, 1644).

[5] Avihu Zakai, "Religious Toleration and Its Enemies: The Independent Divines and the Issue of Toleration during the English Civil War," *Albion: A Quarterly Journal Concerned with British Studies* 21, no. 1 (Spring 1989): 1-33, http://www.jstor.org/stable/4049864; Zakai, "Orthodoxy in England and New England: Puritans and the Issue of Religious Toleration, 1640-1650," *Proceedings of the American Philosophical Society* 135, no. 3 (September 1991): 401-41, http://www.jstor.org/stable/986777.

[6] Baillie, Epistle Dedicatory, in *Dissuasive* (1646), unpaged front matter.

[7] E.g., *Dissuasive* (1646), list of publications preceding the table of contents (unpaged), 57, 60, 69-70, 150-51. Baillie also made reference to personal conversations he had with Williams. Ibid., 57, 63, 72, 150.

[8] Ibid., 57.

[9] Baillie, *Disswasive* (1655), 30.

[10] William Prynne, *Twelve Considerable Serious Questions touching Church Government* . . . (London, 1644), 7.

[11] William Prynne, *Truth Triumphing over Falshood, Antiquity over Novelty* . . . (London, 1645), 149.

[12] Ernst cited and quoted publications specifically criticizing Williams by, among others, Thomas Edwards (1644), George Gillespie (1644), and Daniel Featley (1645). "Roger Williams and the English Revolution," *RIHS Collections*, 24:15, 118-19, 122-23. Ernst claimed that "[m]ore than one hundred pamphlets making similar sallies upon the doctrine of *The Bloudy Tenent* and Mr. Williams appeared before 1649." *Roger Williams*, 248. In 1649, a professor of divinity accused Williams of being a skeptic, a relativist, and perhaps an implicit atheist as a result of his emphasis on the scriptural admonition to search all things and his insistence that heretics should not be punished by civil authority. Samuel Rutherford, *A Free Disputation Against pretended Liberty of Conscience*. . . (London, 1649), 339.

[13] Worden, *English Civil Wars*, 78.

[14] Ernst, *Roger Williams*, 283-90. For a detailed discussion of these pamphlets and a May 1651 publication by Isaac Pennington, see Ernst, "Roger Williams and the English Revolution," *RIHS Collections*, 24:12-49, 55-58, 118-23, 127-28..

[15] Ernst, *Roger Williams*, 279-81 (quotations); see also Ernst, "Roger Williams and the English Revolution," *RIHS Collections*, 24:7-10.

[16] Ernst finally stated that further research was necessary for any "definitive conclusions on the influence of Roger Williams and his pamphlets in the English Civil War and Revolution of 1648 . . . ." Ernst, "Roger Williams and the English Revolution," *RIHS Collections*, 24:128. But this reservation probably had more to do with Ernst's anachronistic theory that Williams was the author of the Levellers' doctrine of popular sovereignty than with

Williams's promotion of the principles of liberty of conscience and separation of church and state. As observed above, Ernst's emphasis on Williams's commitment to popular sovereignty was not quite historically accurate. Although Williams did teach that civil government (other than the Old Testament Jewish theocracy) derives immediately from popular consent rather than from God, he also approved of certain limitations on the electoral franchise that would be rejected by most twentieth- and twenty-first-century political thinkers. He was not so much a modern democratic theorist as a proponent of the limitation of the state to civil concerns.

[17] Woodhouse, introduction to *Puritanism and Liberty*, [57].

[18] John Coffey, "Puritanism and Liberty Revisited: The Case for Toleration in the English Revolution," *Historical Journal* 41 (December 1998): 965, 967, http://www.jstor.org/stable/3020858. This essay is an excellent analysis of what Coffey calls the "radical tolerationist" movement in England during the 1640s. Like most British scholars, Coffey often uses the term "toleration" instead of the word "religious liberty," perhaps because both England and Scotland still have officially established churches. See also Coffey's books *John Goodwin and the Puritan Revolution* and *Persecution and Toleration in Protestant England*, cited above. However, I disagree with some of Coffey's interpretations. In "Puritanism and Liberty Revisited," 976, and in *Persecution and Toleration*, 55, Coffey suggests that Williams would have advocated governmental punishment of the religious practices of "sincere devotees of Moloch and Quetzalcoatl . . . ." However, Williams was specifically referring to governmental prohibition of human sacrifice, not blanket governmental suppression of those religions. [RW], *The Examiner defended*, 51 (*CWRW*, 7:243). As discussed in the present book, Williams disapproved of any initiation of physical violence under the pretense of religion. Similarly, in *Persecution and Toleration*, 56, Coffey fails to include Williams in his list of those who favored

the toleration of atheists. However, as discussed in the present book, although Williams did not explicitly identify "atheists" as persons who should not be subject to governmental persecution, there is no evidence that Williams ever supported any kind of governmental discrimination against atheists; indeed, all the evidence is to the contrary.

[19] E.g., Polizzotto, "Liberty of Conscience," 70-82.

[20] Coffey, *Persecution and Toleration*, 146.

[21] Ibid., 146-47; Lockyer, *Tudor and Stuart Britain*, 356-57.

[22] Fraser, *Cromwell*, 301-3.

[23] RW, "To the truly Honorable the Lady *Vane*, the Younger," in *Experiments of Spiritual Life & Health, In which the* weakest *Child of God may get* Assurance *of his Spirituall* Life *and* Blessednesse *And the* Strongest *may finde proportionable* Discoveries *of his* Christian Growth, *and the* means *of it* (London, 1652), unpaged front matter (CWRW, 7:48); [Perry Miller?], foreword to *Experiments of Spiritual Life and Health*, *CWRW* 7:42-43.

[24] RW, "To the truly Honorable the Lady *Vane*, the Younger," in *Experiments*, unpaged front matter (CWRW, 7:49).

[25] RW to John Winthrop Jr., April 20, 1652, in *CRW*, 1:355; cf. *CRW*, 1:356n1.

[26] Fraser, *Cromwell*, 314-15.

[27] Jeffrey R. Collins, "The Church Settlement of Oliver Cromwell," *History* 87, no. 285 (January 2002): 21; JC to Oliver Cromwell, July 28, 1651, in *The Correspondence of John Cotton*, ed. Bush, 458-61; Oliver Cromwell to JC, October 2, 1651, in ibid., 468-70.

[28] *The Humble Proposals of Mr.* Owen, *Mr.* Tho. Goodwin, *Mr.* Nye, *Mr.* Sympson, *and other Ministers who presented the Petition to the Parliament, and other Persons, Febr. 11. under debate by a Committee this 31. of March, 1652. for the furtherance and Propagation of the Gospel in this Nation* . . . (London, 1652), 1. The Thomason Date of this edition is March 31, 1652.

[29] Ibid., 1-2.

[30] Ibid., 2-3.

[31] Ibid., 3.

[32] Ibid., 3-4.

[33] Ibid., 5-6.

[34] Ibid., 6.

[35] Carolyn Polizzotto, "The Campaign against *The Humble Proposals* of 1652," *Journal of Ecclesiastical History* 38, no. 4 (October 1987): 574.

[36] *Proposals for The furtherance and propagation of the Gospell in this Nation . . . As also, Some Principles of Christian Religion, without the beliefe of which, the Scriptures doe plainly and clearly affirme, Salvation is not to be obtained* . . . (London, 1652), 5. The Thomason Date of this publication is December 2, 1652. It is a second edition of *The Humble Proposals* with the addition of the principles.

[37] *Proposals*, 5.

[38] Ibid., 7, 17.

[39] Ibid., 9.

[40] Polizzotto, "Campaign against *The Humble Proposals*," 573-74.

[41] R[oger] W[illiams], *The Fourth Paper, Presented by Major Butler, To the Honourable Committee of Parliament, for the Propagating the Gospel of* Christ *Jesus* . . . (London, 1652), reprinted in *CWRW* 7:119-41.

[42] RW, "To the truly *Christian* Reader," in *Fourth Paper*, unpaged front matter (*CWRW*, 7:121).

[43] *Fourth Paper*, 1 (*CWRW*, 7:124).

[44] Ibid., 6 (*CWRW*, 7:126-27).

[45] Ibid., 11-13 (*CWRW*, 7:130-32).

[46] Ibid., 2 (*CWRW*, 7:124).

[47] Ibid., 8-9 (*CWRW*, 7:128-29).

[48] Ibid., 13-14 (*CWRW*, 7:132-33).

[49] Ibid., 3 (*CWRW*, 7:125).

[50] Ibid., 5 [misprinted 7] -6 (*CWRW*, 7:126-27).

[51] Ibid., 14-17 (*CWRW*, 7:133-35).

[52] Ibid., 17-18 (*CWRW*, 7:135-36).

[53] Ibid., 3 (*CWRW*, 7:125).
[54] Coffey, *Persecution and Toleration*, 155.
[55] *Fourth Paper*, 9 (*CWRW*, 7:129).
[56] Ibid., 18-19 (*CWRW*, 7:136-37).
[57] Coffey, *Persecution and Toleration*, 155-56; Fraser, *Cromwell*, 558-68.
[58] RW, *Fourth Paper*, unpaged front matter (*CWRW*, 7:122). Williams conversed with Cromwell on several occasions during his second visit. RW to Mrs. Anne Sadleir, ca. April 1652, in *CRW*, 1:358; see also RW to John Winthrop Jr., February 6, 1659/60, in *CRW*, 2:495. Among other things, Williams encouraged Cromwell to support religious liberty for Native Americans against the coercive attempts by Puritan New England to convert them. RW to the General Court of Massachusetts Bay, October 5, 1654, in *CRW*, 2:409.
[59] Coffey, *Persecution and Toleration*, 147-49; Worden, *God's Instruments*, 72-86, 126-27; Lockyer, *Tudor and Stuart Britain*, 366-74; Collins, "Church Settlement of Oliver Cromwell," 18-40.
[60] RW, *The Hireling Ministry* None of *Christs, or a Discourse touching the Propagating the Gospel of Christ Jesus.* Humbly Presented to such Pious and Honorable Hands, whom the present Debate thereof concerns (London, 1652), reprinted in *CWRW* 7:147-91.
[61] RW, "To all such *Honorable* and *Pious* hands, whom the present *Debate* touching the propagating of Christ's Gospel concernes: And to All such gentle *Bereans*, who with ingenious *Civility* desire to search whether what's presented concerning *Christ Jesus*, be so or no," in *Hireling Ministry*, unpaged front matter (*CWRW*, 7:152).
[62] Worden, *English Civil Wars*, 35-36, 111; Fraser, *Cromwell*, 320-57.
[63] RW, "To all such *Honorable* and *Pious* hands," in *Hireling Ministry*, unpaged front matter (*CWRW*, 7:155).
[64] *Hireling Ministry*, 5 (*CWRW*, 7:161).
[65] Ibid., 10 (*CWRW*, 7:166).
[66] Ibid., 6-7 (*CWRW*, 7:162-63).

[67] Ibid., 7-20, 26-30 (*CWRW*, 7:163-75, 180-84).
[68] Ibid., 12-14, 19-23 (*CWRW*, 7:168-69, 173-77). Cf. Chapters 3-5, *supra*; Gilpin, *Millenarian Piety*, 97, 116-21, 127-28.
[69] *Hireling Ministry*, 23-29 (*CWRW*, 7:178-83).
[70] Ibid., 30-33 (*CWRW*, 7:184-87).
[71] Ibid., 35-36 (*CWRW*, 7:189-91).
[72] Although the Thomason Date of *The Bloody Tenent Yet More Bloody* is April 28, 1652 (see also *Thomason Catalogue*, 1:869), an internal reference to a naval battle shows that this work had to have been published after May 18, 1962. *BTYMB*, unpaged front matter (*CWRW*, 4:9-10, 10n1).
[73] *BTYMB*, 314-20 (*CWRW*, 4:519-29).
[74] Ibid., 314 (*CWRW*, 4:519).
[75] Ibid., 314-15 (*CWRW*, 4:519-20).
[76] Ibid., 316-18 (*CWRW*, 4:522-25).
[77] Ibid., 318 (*CWRW*, 4:525-26).
[78] Ibid., 319 (*CWRW*, 4:527).
[79] Ibid., 319-20 (*CWRW*, 4:527-29).
[80] *Zeal Examined: or, A Discourse for Liberty of Conscience in Matters of Religion. Upon an occasionall Question concerning the punishment of Idolaters* (London, 1652). The Thomason Date is June 15, 1652; see also *Thomason Catalogue*, 1:874.
[81] *The Examiner Examined. Certain* Questions *proposed to the author of* Zeal *examined concerning his Principles.* Whereby he endevours to prove; *That the Magistrate by his Authority ought not to advance true Religion, but to give a Toleration to* Idolatry *and* Heresie (London, 1652). The Thomason Date is July 14, 1652; see also *Thomason Catalogue*, 1:877.
[82] [RW], *The Examiner defended, in A Fair and Sober Answer to the Two and twenty Questions which lately examined the Author of* Zeal Examined . . . (London, 1652); reprinted in CWRW, 7:195-279. The Thomason Date is September 14, 1652; see also *Thomason Catalogue*, 1:885.

[83] *The Examiner defended*, unpaged front matter (*CWRW*, 7:197).

[84] [Perry Miller?], foreword to *The Examiner Defended*, *CWRW* 7:192.

[85] "To the Ingenious Reader," in *Zeal Examined*, unpaged front matter.

[86] In one of Williams's rare departures from more modern ways of thinking about the proper role of government, he seems to approve of the Roman Emperor's censure of Ovid for immodest writing. Williams adds: "doubtless it is the duty of the *civil sword*, to cut off the *Incivilities* of our times; as the monstrous haire of women, up the heads of some men, &c." *The Examiner defended*, 51 (*CWRW*, 7:243). Although we would correctly reject such a use of governmental power, it should be observed that Williams based such laws not on revealed religion but on his conception, however misplaced, of natural law. Williams was far ahead of his time on church-state issues; he was not always so far ahead of his time regarding the legislation of personal morality, though, again, he did not base such legislation on religion as such.

[87] RW to John Winthrop Jr., July 12, 1654, in *CRW*, 2:393; see also *CRW*, 2:395n19.

[88] Milton, *A Treatise of Civil power*, 35-36. As discussed in Appendix D, *infra*, Locke opposed liberty of conscience for both Roman Catholics and atheists. Locke had issues with the Catholics' alleged political allegiance to the pope, not with their purported idolatry.

[89] RW to Robert Williams, May 1, 1652, in *CRW*, 1:362; *CRW*, 1:362-63nn1-4.

[90] Quoted in Bowen, *Providence Oath of Allegiance*, 40.

[91] RW to Gregory Dexter, October 7, 1652, in *CRW*, 1:367; *CRW*, 1:370n15.

[92] RW to the Towns of Providence and Warwick, April 1, 1653, in *CRW*, 1:385-98; *CRW*, 1:387n7.

Chapter 8. Political Philosopher and Counselor (1654-83)

[1] *CRW*, 2:619.

[2] General Assembly of Providence Plantations to RW, October 28, 1652, in *CRW*, 1:371; *CRW*, 2:372-73nn1-6.

[3] Towns of Providence and Warwick to RW, after March 22, 1652/53, in *CRW*, 1:380-82; *CRW*, 1:382-85nn1-15, 403n3; Bowen, *Providence Oath of Allegiance*, 31-44.

[4] Sir Henry Vane to the Town of Providence, February 8, 1653/54, in *ERP*, 15:67-68 (*CRW*, 2:389-90). This version is in Vane's hand. Another version in Williams's hand is at *ERP*, 15:68-69 (*CRW*, 2:783-84). The two versions are identical except for some minor differences. *CRW*, 2:784n. LaFantasie notes that the style and tone of the letter are that of Williams, and he concludes that it "seems certain" that Williams composed this letter for Vane to transcribe and sign. Ibid., 2:390n, 783n. Of course, it is also possible that Vane originally composed the letter or, more likely, that Vane and Williams composed the letter together. Williams would then have made a copy in his own handwriting. We simply do not know and have no present means of ascertaining exactly how the letter was composed.

[5] *ERP*, 15:69 (*CRW*, 2:784n).

[6] See *CRW*, 2:389, 398n2; *ERP*, 15:67-68.

[7] The response by the Town of Providence stated that Vane's "Letters" (apparently the presumed original in Vane's handwriting and copies, possibly in Williams's handwriting) "were directed to all and every the particular Townes of this Providence Colonie." Town of Providence to Sir Henry Vane, August 27, 1654, in *CRW*, 2:396.

[8] *ERP*, 15:68 (CRW, 2:783).

[9] Ibid., 69 (CRW, 2:783-84).

[10] Ibid., (CRW, 2:784).

[11] *CRW*, 2:390n1.
[12] Town of Providence to Sir Henry Vane, August 27, 1654, in *CRW*, 2:395-98; 398n.
[13] Providence to Vane, August 27, 1654, in *CRW*, 2:397.
[14] Ibid.
[15] Ibid.; *CRW*, 2:398-99nn4-6.
[16] Providence to Vane, August 27, 1654, in *CRW*, 2:397-98.
[17] RW to Town of Providence, ca. August 1654, in *CRW*, 2:400.
[18] Ibid.
[19] Ibid., 401.
[20] Ibid., 402.
[21] *RI Records* 1:276-78.
[22] Ibid., 278-79.
[23] Ibid., 282.
[24] Ibid., 303, 336.
[25] Ibid., 282.
[26] Oliver Cromwell to the President, Assistants, and Inhabitants of Rhode Island and Providence Plantations, March 29, 1655, in *CRW*, 2:437.
[27] *RI Records* 1:327.
[28] RW to Town of Providence, ca. January 1654/55, in *CRW*, 2:423-24.
[29] *CRW*, 2:421-23 (editorial note), 424n2; Brockunier, *Irrepressible Democrat*, 225-28; Perry Miller, *Roger Williams*, 224-25; Winslow, *Master Roger Williams*, 254-56; Ernst, *Roger Williams*, 344-46; Timothy L. Hall, *Separating Church and State: Roger Williams and Religious Liberty* (Urbana, IL: University of Illinois Press, 1998), 108-9.
[30] *ERP*, 2:76-77.
[31] Ibid., 81.
[32] "But I tell you not to resist an evil person. But whoever slaps you on your right cheek, turn the other to him also." Matthew 5:39 (NKJV).

[33] *CRW*, 2:423-24 (bold emphasis added).
[34] Ibid., 424.
[35] Ibid.
[36] *The Examiner defended*, 1-2 (*CWRW*, 7:203-4).
[37] In *Schenck v. United States*, 249 U.S. 47 (1919), the U.S. Supreme Court, in an Opinion of the Court by Justice Oliver Wendell Holmes, held that the distribution of leaflets to cause insubordination and obstruct recruiting and enlistment in the military and naval forces of the United States during the First World War, in violation of the 1917 Espionage Act, was not protected by the First Amendment to the U.S. Constitution. Among other things, the Court stated:

> We admit that in many places and in ordinary times the defendants in saying all that was said in the circular would have been within their constitutional rights. But the character of every act depends upon the circumstances in which it is done. . . . The most stringent protection of free speech would not protect a man in falsely shouting fire in a theatre and causing a panic. . . . The question in every case is whether the words used are used in such circumstances and are of such a nature as to create a clear and present danger that they will bring about the substantive evils that Congress has a right to prevent. It is a question of proximity and degree. When a nation is at war many things that might be said in time of peace are such a hindrance to its effort that their utterance will not be endured so long as men fight and that no Court could regard them as protected by any constitutional right.

249 U.S. at 52. Although the "clear and present danger test" was later, over the dissents of Justice Holmes and others, expanded to restrict further the applicability of the First Amendment, the

Court eventually adopted "the principle that the constitutional guarantees of free speech and free press do not permit a State to forbid or proscribe advocacy of the use of force or of law violation except where such advocacy is directed to inciting or producing imminent lawless action and is likely to incite or produce such action." *Brandenberg v. Ohio*, 395 U.S. 444, 447 (1969). See also Richard L. Wilson, "*Schenck v. United States*," in *Encyclopedia of the U.S. Supreme Court*, 3 vols., ed. Thomas T. Lewis and Richard L. Wilson (Pasadena, CA: Salem, 2001), 3:833; Wilson, "*Brandenburg v. Ohio*," in ibid., 1:95-96; and Stephen F. Rohde, "Clear and present danger test," in ibid., 1:183-84.

[38] RW to the General Court of Massachusetts Bay, November 15, 1655, in *CRW*, 2:444; RW to the General Court of Massachusetts Bay, May 12, 1656, in *CRW*, 2:452.

[39] For these developments and additional details, see the editorial notes and correspondence in *CRW*, 2:464-79. See also *RIHS Collections* 2 (1835): 207-8; Brockunier, *The Irrepressible Democrat*, 235-37; Winslow, *Master Roger Williams*, 261.

[40] See Chapters 3 and 6 and Appendix C. The details of the land issues between William Harris and Roger Williams are beyond the scope of the present book. Among the many accounts, see the editorial notes at *CRW*, 2:506-13, 556-70; Irving B. Richman, "The Land Controversies of William Harris," in *RIHS Collections* 10 (1902): 11-22; and Rider, *Forgeries Connected with the Deed*. The LaFantasie edition of *The Correspondence of Roger Williams* contains many letters of Roger Williams and others addressing these issues. As for Williams's advocacy on behalf of newcomers wishing to acquire land and political rights in Providence, see RW to the Town of Providence, ca. early 1661/62, in *CRW*, 2:525-26, and accompanying editorial notes, *CRW*, 2:526-27nn1-3.

[41] RW to Richard Knight, General Sergeant of Providence Plantations, March 12, 1656/57, in *CRW*, 2:479.

[42] Town of Providence [composed by Roger Williams and in his hand] to the Governor and Council of Rhode Island, August 31, 1668, in *CRW*, 2:580-81.

[43] RW to John Throckmorton, July 30, 1672, in *CRW*, 2:674 (italics omitted).

[44] RW, *GFDB*, 316-17 (*CWRW*, 5:316-17).

[45] See the editorial note at *CRW*, 2:481n4 for these developments as well as additional details and citations to primary sources. See also *RI Records* 1:355, 363-65, 2:396. The account in Dorr, *Proprietors of Providence*, 73-77, is not consistent with the primary sources in many respects.

[46] RW to John Whipple, Jr., August 24, 1669, in *CRW*, 2:602.

[47] Ibid.

[48] *CRW*, 2:584n5.

[49] *CRW*, 2:608n53.

[50] *RI Records* 1:364.

[51] James, *John Clarke*, 60.

[52] Ibid., 60-83.

[53] The second charter was dated July 8, 1663, and was set forth in facsimile in *The Charter and the Acts and Laws of His Majesties Colony of Rhode-Island and Providence-Plantations in America*, ed. Sidney S. Rider (Providence, 1895), 1-8 (hereafter cited as *Charter*). The facsimile of the second charter in this edition was from *The Charter Granted by His Majesty King Charles The Second to the Colony of Rhode-Island and Providence-Plantations in America* (Boston, 1719). The two petitions of John Clarke to King Charles II were set forth in *RI Records* 1:485-91. The second petition referred to "the wonderfull passages of the Providence of the most high (from which the Plantations have taken their name)" and also mentioned "that true pyety rightly grounded upon gospell principles . . . . " *RI Records* 1:490, 491. Although both of these statements were incorporated into the second charter, the second charter's references

to conversion of Native Americans were absent from Clarke's petitions.

[54] *Charter*, 2.

[55] *RI Records* 1:490-91.

[56] *Charter*, 1.

[57] Ibid., 2.

[58] Ibid., 1-3.

[59] Ibid., 2-3.

[60] *RI Records* 2:38-39.

[61] *Charter*, 3.

[62] Ibid., 7-8.

[63] Ibid., 1-3.

[64] *RI Records* 2:22-34.

[65] *RI Records* 2:77-78.

[66] Town of Warwick to the Governor and Council of Rhode Island, December 12, 1664, in *CRW*, 2:544-47; see also the editorial notes at ibid., 548-50.

[67] RW to the Town of Warwick, January 1, 1665/66, in *CRW*, 2:534-40.

[68] Ibid., 534.

[69] Ibid.

[70] Ibid., 534-35.

[71] Ibid., 535.

[72] Ibid., 535-36.

[73] Ibid., 536-37.

[74] Ibid., 537-38.

[75] Ibid., 538-39.

[76] James, *Colonial Rhode Island*, 92.

[77] RW to Major Mason and Gov. Prence, June 22, 1670, in *CRW*, 2:609.

[78] Ibid., 610-16

[79] Ibid., 616.

[80] Ibid., 617.

[81] Ibid., 616-19.

[82] Ibid., 619-20.

[83] *CRW*, 2:623n48.

[84] Ibid.; James, *Colonial Rhode Island*, 68.

[85] RW to the Town of Providence, ca. late April 1672, in *CRW*, 2:646.

[86] Carla Gardina Pestana, "The City upon a Hill under Siege: The Puritan Perception of the Quaker Threat to Massachusetts Bay, 1656-1661," *New England Quarterly* 56, no. 3 (September 1983): 327-32, http://www.jstor.org/stable/365396; Pestana, "The Quaker Executions as Myth and History," *Journal of American History* 80, no. 2 (September 1993): 450-54, http://www.jstor.org/stable/2079866.

[87] Pestana, "City upon a Hill," 327-25; see also the related discussion and documentation in Appendix B to the present book. The present discussion also relies on Brooks Adams's detailed analysis of Massachusetts laws and factual developments in chapter 5 of *The Emancipation of Massachusetts*.

[88] *Mass. Records*, vol. 4, pt. 2, p. 3.

[89] Ibid.

[90] Brooks Adams, *The Emancipation of Massachusetts*, 307-48 (discussing numerous specific examples of Massachusetts Bay's persecution of Quakers); Pestana, "City upon a Hill," 325; Field, *Errands into the Metropolis*, chap. 5, esp. Kindle loc. 1886-92, 2304-16.

[91] Commissioners of United Colonies to Providence Plantations, September 12, 1657, in *RI Records* 2:374-76.

[92] Benedict Arnold, president of Providence Plantations, et al. to Massachusetts Bay General Court (responding to September 12, 1657 letter of United Colonies), October 13, 1657, in *RI Records* 2:376-78.

[93] General Assembly of the Colony of Providence Plantations to Governor of Massachusetts, to be also imparted to the

Commissioners of the United Colonies at their next meeting, March 13, 1657/58, in *RI Records* 2:378-80.

[94] *RI Records* 2:394.

[95] Court of Commissioners of Providence Plantations to John Clarke, November 5, 1658, in *RI Records* 2:396-98.

[96] [Humphrey Norton et al.], *New-England's Ensigne* . . . (London, 1659).

[97] Ibid., 52-53.

[98] RW to John Winthrop Jr., February 6, 1659/60, in *CRW*, 2:495.

[99] E.g., RW, *An Answer to a* Letter Sent from Mr. *Coddington* of *Rode-Island, to* Governour *Leveret* of *Boston in what concerns* R.W. *of* Providence (Boston, 1677?), reprinted in facsimile in RW, *An Answer to a* Letter Sent from Mr. *Coddington* of *Rode Island*, to Governour *Leveret* of *Boston in what concerns* R. W. *of* Providence, ed. Bradford Fuller Swan (Providence: Roger Williams Press, 1946); George Fox, *Something in Answer to a Letter (Which I have seen) Of* John Leverat *Governour of* Boston, *to* William Coddington *Governour of* Rode-Island . . . (London?, 1678?).

[100] RW to Governor Simon Bradstreet, May 6, 1682, in *CRW*, 2:777-78.

[101] For a detailed account of King Philip's War, see Eric B. Schultz and Michael J. Tougias, *King Philip's War: The History and Legacy of America's Forgotten Conflict* (Woodstock, VT: Countryman, 1999).

[102] RW to a Special Court of Commissioners, October 18, 1677, in *CRW*, 2:740-44 (quotation at 444).

[103] Quoted in David Pulsifer, introduction to *Records of the Colony of New Plymouth in New England: Acts of the Commissioners of the United Colonies of New England*, vol. 2, *1653-1679*, ed. David Pulsifer (Boston, 1859), vi (emphasis added).

[104] See the discussion of *Christenings make not Christians* in Chapter 5, *supra*.

[105] *Decoding Roger Williams*, 78-79.

[106] RW to the Town of Providence, January 15, 1681/82, in *CRW*, 2:774-76. The discussion in the present section of this book is an explication and interpretation of this letter. Accordingly, it will not be necessary to cite the letter further. To the extent, if any, that the interpretations in this section are not supported directly by this letter, they are corroborated by other writings of Williams cited and discussed in the present book. Additionally, only those statements in the letter that have enduring significance are mentioned herein.

Chapter 9. Roger Williams and the Founding of the United States of America

[1] RW, *Mr. Cottons Letter Examined*, 45 (*CWRW*, 1:392)

[2] TJ to Danbury Baptist Association, January 1, 1802, in Daniel L. Dreisbach, *Thomas Jefferson and the Wall of Separation between Church and State* (New York: New York University Press, 2002), Kindle ed., app. 6, loc. 2919-23 (Jefferson underlined "their"). Referring to the word "legitimate" in the quoted text of the letter, Dreisbach observed in a note: "Most published collections of Jefferson's writings incorrectly transcribe this word as 'legislative.' The mistranscription apparently originated from *The Writings of Thomas Jefferson*, ed. H. A. Washington, 9 vols. (Washington, D.C.: Taylor and Maury, 1853–1854), 8:113–114." Ibid., 5201-5. The image of Jefferson's original manuscript corroborates Dreisbach's statement that the word Jefferson used was "legitimate," not "legislative." See Library of Congress website, accessed May 8, 2013, http://www.loc.gov/exhibits/religion/danburys.jpg.

[3] JM to Edward Livingston, July 10, 1822, in *James Madison: Writings*, ed. Jack N. Rakove (New York: Library of America, 1999), 788-89 (hereafter cited as *Madison: Writings*).

[4] For example, Perry Miller wrote that Williams "exerted little or no **direct** influence on **theorists** of the [American] Revolution and Constitution," a statement that may be literally true but, as this chapter demonstrates, misleading. Perry Miller, *Roger Williams*, 254 (emphasis added).

[5] *LibraryThing* website, accessed May 13, 2013, http://www.librarything.com/work/3837148 (showing that this edition of Winthrop's Journal was in the libraries of these Founders). This publication was edited by Noah Webster and was entitled *A Journal of the Transactions and Occurrences in the settlement of Massachusetts and the other New-England Colonies, from the year 1630 to 1644: written by John Winthrop, Esq. First Governor of Massachusetts: And now first published from a correct copy of the original Manuscript* (Hartford, CT, 1790). This edition contained numerous references to Roger Williams and his conflict with Massachusetts Bay over separation of church and state and liberty of conscience. E.g., ibid., 23 (1631 arrival of Williams and his wife), 25-26 (April 1631 Massachusetts Bay General Court's letter to Salem criticizing the latter for accepting Williams as a religious teacher in view of Williams's denial of the government's right to make religious laws and his other dissident religious statements), 44 (October 1632 meeting in Plymouth of Winthrop and the Boston pastor with Williams, the Plymouth pastor, and others about an unidentified subject), 57 (November 1633 discussion of the objections of Williams and Skelton to meetings of pastors from different towns), 60 (December 1633 controversy over Williams's private treatise arguing that the king had no right to claim land owned by Native Americans), 76-77 (same; also, Williams's criticism of Church of England), 80 (Massachusetts Bay government summoned Williams in April 1635 to answer for his position that the magistrate should not give an oath to an unregenerate man), 84 (July 8, 1635 General Court accused Williams of "dangerous opinions," including that the magistrate ought not to punish breaches of the First Table of the

Ten Commandments), 85 (General Court punished Salem at the same meeting for choosing Williams as their religious teacher by denying it land it claimed in Marbleneck; and, after Salem circulated a letter objecting to this action, the General Court refused to receive its deputies until it would give satisfaction about the letter), 86 (Williams disassociated himself from Salem church unless it disassociated itself with other Massachusetts Bay churches), 88-89 (General Court sentenced Williams to banishment, giving him six weeks to depart out of the Massachusetts Bay jurisdiction), 91-92 (General Court determined in January 1536 to apprehend Williams and put him on a ship to England, but Williams eluded them). This 1790 edition also included many additional references to Williams after his banishment but stopped at late 1644, because Webster was unaware of additional portions of the manuscript of the Journal that brought Winthrop's narrative up to 1649. *Winthrop Journal*, xii (editorial note). I was alerted to the existence of this edition in Jefferson's library by Scott David Foutz, "On the Origins of Roger Williams' Notion of Religious Liberty," *Quodlibet Online Journal*, n.d., accessed May 5, 2013, http://www.quodlibet.net/williams.shtml, unpaged.

[6] Catalogue of Benjamin Franklin Library, *LibraryThing*, accessed August 4, 2013, http://www.librarything.com/catalog/BenjaminFranklin&collection=-1&deepsearch=Roger+Williams (use "suggested style").

[7] For general background regarding Stephen Hopkins's life, see Patrick T. Conley, *Rhode Island's Founders: From Settlement to Statehood* (Charleston, SC: History Press, 2010), Kindle ed., loc. 1423-1510. For a detailed biography, see William E. Foster, *Stephen Hopkins: A Rhode Island Statesman* . . . , 2 vols. (Providence, 1884) (Rhode Island Historical Tracts, 1st ser., 19, pts. 1 and 2).

[8] Howard Chapin surmised that Thomas Hopkins probably arrived as a boy in Providence with William Arnold and his family and later signed the Combination of 1640 when he came of

age. Chapin, *DHRI*, 1:120. The Arnolds were in the first group of settlers of Providence in 1636. Ibid., 11-12. See also William E. Foster, *Stephen Hopkins*, 1:13n2; Staples, *Annals of the Town of Providence*, in *RIHS Collections*, 5:34-35; *RI Records*, 1:24n.

[9] William E. Foster, *Stephen Hopkins*, 1:xivn1 and chap. 6; Stephen Hopkins to Benjamin Franklin, May 11, 1784 (signed "Your affectionate old Friend"), in *The Papers of Benjamin Franklin*, ed. American Philosophical Society and Yale University, digital ed. (Los Altos, CA: Packard Humanities Institute, 1988-), accessed April 30, 2013, http://www.franklinpapers.org/franklin/framedNames.jsp (locate by name "Hopkins, Stephen"). Hopkins and George Washington were also on friendly terms. Conley, *Rhode Island's Founders*, Kindle loc. 1504-6; William E. Foster, *Stephen Hopkins*, 2:160-61.

[10] Hopkins, *An Historical Account*, in *RIHS Collections*, 7:15-65; see also William E. Foster, preface, in ibid., 7, and the editorial note in ibid., 13n1 or 14n1 (unnumbered page entitled "Extract from Publisher's Address").

[11] Hopkins, *An Historical Account*, in *RIHS Collections*, 7:47.

[12] *John Adams: Revolutionary Writings, 1755-1775*, 644.

[13] Isaac Backus, *A History of New-England, with particular Reference to the Denomination of Christians Called Baptists* . . . , vol. 1 (Boston, 1777), chaps. 2-5, 7 passim.

[14] Ibid., 156.

[15] Ibid., 156-73.

[16] Alvah Hovey, *A Memoir of the Life and Times of the Rev. Isaac Backus, A.M.* (Boston, 1858), 173.

[17] Isaac Backus, *An Appeal to the Public for Religious Liberty, against the Oppressions of the present Day* (Boston, 1773). Backus's reference to "this blending of church and state together" is in ibid., 19; see also ibid., 26 ("confounding church and state together"). Backus's quotations from Williams (ibid., 25-26) are from Williams's *Bloody Tenent Yet More Bloody*, 96, 112, 192 (*CWRW*, 4:186, 210, 330).

Backus described the then current Massachusetts religious establishment and its discriminatory practices in some detail. *Appeal*, 17-43, 54-58, 61-62; see also Backus, *A Seasonable Plea for Liberty of Conscience, Against some late Oppressive Proceedings* . . . (Boston, 1770; repr. in facsimile, Farmington Hills, MI: Gale ECCO, n.d.), 3-11, 15-48. For another description of the religious system in place in Massachusetts during the 1770s, see John Witte Jr., "'A Most Mild and Equitable Establishment of Religion': John Adams and the 1780 Massachusetts Constitution," *Journal of Church and State* 41 (1999): 228-29. Hovey provided a detailed history of the Massachusetts laws against religious nonconformists, including Baptists, during the seventeenth and eighteenth centuries and how those laws were enforced by governmental officials. *Memoir*, 158-72, 178-87, 197-200. 204-10.

[18] Isaac Backus, *A History of New England with Particular Reference to the Denomination of Christians called Baptists*, 2nd ed., ed. David Weston (Boston, 1871), 2:200; [Unnamed editor], "Memoir" of Isaac Backus, in Isaac Backus, *Church History of New England from 1620 to 1804, Containing A View of the Principles and Practice, Declensions and Revivals, Oppression and Liberty of the Churches, and a Chronological Table* (1804; repr., Philadelphia, 1844), 8; Hovey, *Memoir*, 201-3.

[19] Backus, *History of New England*, 2nd ed., 2:200-1. Backus's diary entry for October 14, 1774, explained who was present at this meeting: "In the evening there met at Carpenters' Hall, Thomas Cushing, Samuel Adams, John Adams, and Robert Treat Paine, Esqrs., delegates from Massachusetts; and there were also present James Kinzie of New Jersey, Stephen Hopkins and Samuel Ward of Rhode Island, Joseph Galloway and Thomas Mifflin, Esqrs., of Pennsylvania, and other members of Congress. Mr. Rhodes, Mayor of the city of Philadelphia, Israel and James Pemberton, and Joseph Fox, Esqrs., of the Quakers and other gentlemen, also [Baptist] elders Manning, Gano, Jones, Rogers, Edwards, etc.

were present." Quoted in Hovey, *Memoir*, 204. Backus's diary entries for October 10-12, 1774, provide information regarding his activities in Philadelphia during the days preceding this meeting. Ibid., 203-4.

[20] *John Adams: Revolutionary Writings, 1755-1775*, 644-45.

[21] Ibid., 645. By the time of the First Continental Congress, Pennsylvania had recognized religious liberty for all monotheists since William Penn's original *Frame of Government* in 1682; however, unlike Rhode Island, Pennsylvania did not recognize freedom of conscience for nonmonothesists, atheists, and agnostics, and only Christians could become governmental officials. David S. Lutz, ed., *Colonial Origins of the American Constitution: A Documentary History* (Indianapolis: Liberty Fund, 1998), 285 (*Frame of Government; Laws Agreed upon in England, &c.*, §§ XXXIV, XXXV), 288 (Pennsylvania Act for Freedom of Conscience, December 7, 1682), 292 (Pennsylvania Charter of Liberties, in effect from 1701 to 1776). The first Pennsylvania Constitution after independence (in effect from 1776 to 1790) contained similar provisions. Constitution of Pennsylvania, September 28, 1776, Declaration of Rights § II, Plan or Frame of Government § 10, accessed September 9, 2013, http://avalon.law.yale.edu/18th_century/pa08.asp.

[22] *John Adams: Revolutionary Writings, 1755-1775*, 645-46.

[23] Ibid., 724n617.3. Apart from the longtime religious animosity of Puritan New England to Quakers, Adams and other Americans favoring independence were suspicious of the Friends (who were politically influential in Pennsylvania) as a result of their pacifism and presumed unwillingness to fight for independence. E.g., JA to Nathanael Greene, June 22, 1776, in *John Adams: Revolutionary Writings, 1775-1783*, ed. Gordon Wood (New York: Library of America, 2011), 82; JM to William Bradford, January 20, 1775, in *The Papers of James Madison*, vol. 1, ed. William T. Hutchinson and William M. E. Rachal (Chicago: University of Chicago Press,

1962), 135; David Ramsay, *The History of the American Revolution*, ed. Lester H. Cohen, 2 vols. (Philadelphia, 1789; repr., Indianapolis: Liberty Fund, 1990), 1:107, 2:628; Mercy Otis Warren, *History of the Rise, Progress, and Termination of the American Revolution . . .* , ed. Lester H. Cohen (Boston, 1805; repr., 2 vols., Indianapolis: Liberty Fund, 1994), 1:110, 165, 204-05. Adams also believed that the Quaker and Baptist protests of October 14, 1774, were part of a plot to divide the American colonies. Adams to James Warren, October 1775, in *John Adams: Revolutionary Writings, 1775-1783*, 32 ("Last Fall the Quakers and Antipoedobaptists were conjured up to pick a Quarrell with Massachusetts"). Before revolutionary changes in the Pennsylvania government in 1776, the Quaker-dominated legislature "was so detached from the Revolutionary movement that in the minds of many by 1776 it had become as much an enemy of the people, whom it presumably embodied, as the traditionally feared executive." Gordon S. Wood, *The Creation of the American Republic, 1776-1787* (Chapel Hill: University of North Carolina Press, 1998), 84. Israel Pemberton had long been a Quaker leader identified with pacifist opposition to the involvement of Pennsylvania in any war. Daniel J. Boorstin, *The Americans: The Colonial Experience* (New York: Vintage Books, 1958), 56-61 passim; Theodore Thayer, *Israel Pemberton: King of the Quakers* (Philadelphia: Historical Society of Pennsylvania, 1943), 17-18, 89-90, 97-111, 113-20. In the event, Pemberton and the Quakers did oppose the Revolutionary War, and Pemberton and other Quakers were imprisoned for refusal to take a Test Oath to the American cause. Thayer, *Pemberton*, chap. 15. It should be noted, however, that the policy and practice of the Quakers in general, and of Pemberton in particular, toward the Native Americans were remarkably enlightened, especially in comparison to that of the New England Puritans. Thayer, *Pemberton*, chaps. 7-13 passim.

[24] JA to James Warren, June 6, 1775, in *John Adams: Revolutionary Writings, 1775-1783*, 10-11; David McCullough, *John Adams* (New

York: Simon & Schuster, 2001), 100, 627 (calling Hopkins "Adams's favorite"). In his *Autobiography*, Adams recalled Hopkins's intellectual conversations during the evenings after sessions of the First Continental Congress:

> [Hopkins's] custom was to drink nothing all day, nor till eight o'clock in the evening, and then his beverage was Jamaica spirit and water. It gave him wit, humor, anecdotes, science and learning. He had read Greek, Roman, and British history, and was familiar with English poetry, particularly, Pope, Thomson, and Milton, and the flow of his soul made all his reading our own, and seemed to bring to recollection in all of us, all we had ever read. . . . Hopkins never drank to excess, but all he drank was immediately not only converted into wit, sense, knowledge, and good humor, but inspired us with similar qualities.

The Works of John Adams, Second President of the United States . . . , ed. Charles Francis Adams, vol. 3 (Boston, 1851), 12. Adams did not mention whether or not Hopkins ever discussed Roger Williams.

[25] *The Works of John Adams, Second President of the United States* . . . , ed. Charles Francis Adams, vol. 2 (Boston, 1850), 34.

[26] Backus, *History of New England*, 2nd ed., 2:201. The memorial read by President Manning is set forth in Hovey, *Memoir*, 204-10. The attempt by the Massachusetts delegates to deflect the blame to the executive department must be understood in its historical context. The Massachusetts governor was appointed, in the years before the American Revolution, by the king. Thus, the Massachusetts delegates were suggesting that the English government, rather than the Massachusetts General Court (the legislature elected by the Massachusetts colonists), was responsible for restrictions on religious liberty. Backus observed that this claim was "confuted" by "plain facts"; indeed, the General Court had

(and would continue to have) a long history of discrimination against disfavored religious groups.

[27] Hovey, *Memoir*, 201-2n3 (editorial note quoting Backus's Manuscripts).

[28] Ibid., *Memoir*, 212.

[29] Ibid., *Memoir*, 214-63. In addition to his 1773 pamphlet discussed above, Backus cited Williams, by name or unmistakable description, in later pamphlets, e.g., *Government and Liberty Described* (1778), in *Isaac Backus on Church, State, and Calvinism: Pamphlets, 1754-1789*, ed. William G. McLoughlin, (Cambridge, MA, 1968), 355 (by name); *An Appeal to the People* (1780), in ibid., 391 ("the first Baptist minister in America"); and *Truth is Great and Will Prevail* (1781), in ibid., 422 (referring to the "first founder of the town and colony of Providence Plantations"). In *An Appeal to the People*, Backus observed that "[s]ince I was first called to act as an agent for the Baptists in this State, we have published four books, besides a number of papers, against the use of secular force in religious affairs which are now to be had in Boston . . . ." Ibid., 384. One scholar alleged that "Williams is mentioned only in a minority of [Backus's] pamphlets on religious liberty and never does he receive full treatment in them, nor is he quoted." LeRoy Moore, "Religious Liberty: Roger Williams and the Revolutionary Era," *Church History* 34, no. 1 (March 1965): 100, http://www.jstor.org/stable/3162872. However, in addition to the pamphlet references to Williams cited above in this note, Backus's 1773 pamphlet quoted Williams and discussed him by name at some length. *An Appeal to the Public*, 25-26 (reprinted in McLoughlin, *Backus*, 322). Obviously, Backus would have no purpose in discussing Williams at great length in pamphlets designed to make rhetorical points for immediate popular political consumption. Such extensive treatment of Williams was reserved for the more scholarly books, discussed above, that Backus authored during his lifetime.

[30] Speech of Isaac Backus, February 4, 1788, in Convention of the Commonwealth of Massachusetts on the Adoption of the Federal Constitution, in *The Debates in the Several State Conventions on the Adoption of the Federal Constitution* . . . , 2nd ed., with considerable additions, ed. Jonathan Elliot (Philadelphia: J. B. Lippincott, 1901), 2:148-49. For additional information regarding Backus's role at the Massachusetts Convention, see Pauline Maier, *Ratification: The People Debate the Constitution, 1787-88* (New York: Simon and Schuster, 2010), 163, 201, 204, 207, 208, 212.

Gordon S. Wood suggested that Backus "did expect government to help religion create a climate in which Christian truth might prevail. Hence he and other Protestant evangelicals could support laws compelling church attendance and respect for the Sabbath and religious tests for governmental office even while advocating the separation of church and state." *Empire of Liberty: A History of the Early Republic, 1789-1815* (Oxford: Oxford University Press, 2009), 588-89. Wood adduced no primary-source evidence for these propositions but rather cited an editorial comment by William G. McLoughlin in his *Isaac Backus on Church, State, and Calvinism: Pamphlets, 1754-1789*, 61. That page of McLoughlin's general introduction does not support Wood's specific assertions about Backus. However, here and in editorial comments elsewhere in his book, McLoughlin did—inaccurately and anachronistically—conflate Backus's view about the importance of strictly private religion for the well-being of American society with such later nineteenth- and twentieth-century theocratic atavisms as (in McLoughlin's, not Backus's, words) "a Christian nation," "a Christian state," and "a corporate Christian state." McLoughlin, *Backus*, 32, 35, 50, 61, 369, 429; contrast Backus's actual language in ibid., 371, 394. Suffice it to say that Backus, who followed Roger Williams quite closely in his theological and nontheological arguments for separation of church and state, would never have countenanced such

conjurations; indeed, as we have seen, Williams explicitly rejected such notions as oxymoronic, and Backus, at least implicitly, agreed with Williams on this issue. McLoughlin's implicit anachronism became explicit when he stated, with reference to Backus's political opposition to the emerging Unitarian church-state establishment (which is discussed later in this chapter), that "[t]here is a glint here of the future unity of many theocratic Baptists and theocratic Congregationalists for a Christian Party in politics." Ibid., 399-400. McLoughlin violated the principle of noncontradiction when he equated Backus's opposition to theocratic institutions (and Backus opposed both Congregational and Unitarian theocratic establishments) with support for theocracy. In short, McLoughlin violently ripped Backus's statements out of their historical context. McLoughlin's motivation for misinterpreting Backus in this manner appears to be found in his statement that Backus's reliance on Roger Williams's allegedly theological approach (as distinguished from Thomas Jefferson's rationalist approach) to church-state separation made it "so easy in the nineteenth century for the Evangelical inheritors of the Separate-Baptist viewpoint to ignore the rights of non-evangelicals (Catholics, Mormons, the American Indians, Atheists, Freemasons) in order to protect the moral order of a Protestant nation." Ibid., 37. Again, McLoughlin treated Williams and Backus anachronistically instead of considering them on their own terms. As this book has demonstrated, Williams constantly expressed opposition to governmental discrimination against anyone on the basis of religion; Backus repeatedly agreed with that principle. With regard to the Native Americans, Backus agreed with Williams that it was wrong for "Christians" to claim Amerindian property. Ibid., 371. Latter-day evangelical misdeeds toward other groups cannot justly be attributed to either Williams or Backus. Indeed, Williams and Backus both expressed opposition to all such discrimination,

and such self-described "Jeffersonians" as Andrew Jackson were notoriously hostile to American Indians. With regard to the specific question of religious tests for public office, McLoughlin inexplicably ignored Backus's very strong statement in the 1788 Massachusetts ratifying convention, quoted in the text, in which Backus argued unequivocally in support of the federal constitutional provision totally prohibiting all religious tests for federal office. McLoughlin instead cited an earlier statement in Backus's *A Door Opened for Christian Liberty* (1783) in which Backus quoted a then new Massachusetts religious test that expanded eligibility for membership in the state legislature from Protestants to all Christians. McLoughlin, *Backus*, 429 (McLoughlin's comments), 436-37 (Backus's statements). McLoughlin took Backus's 1783 comments out of context. Backus was not arguing for a limitation of public offices to Christians; rather, he was making a somewhat complicated rhetorical point about separation of church and state in the context of a legal expansion to all Christians of what had earlier been a narrower religious test. Backus's surrounding comments indicated that his principles were broader than even that expanded test (see especially the last paragraph of Backus's essay, ibid., 438), and his statements several years later at the 1788 Massachusetts ratifying convention demonstrated his unshakeable commitment to an abolition of all religious tests for public office. But even if (as is quite unlikely) he approved limiting public offices to Christians in 1783, any such earlier position gave way to his later advocacy of the abolition of all religious tests in 1788: Backus, like all of us, was entitled to change his mind in light of further knowledge and reflection. It should be added, in view of recent controversy over the application of the First Amendment Establishment Clause to state governments, that the rationale Backus gave for the abolition of all religious tests in 1788 was not limited to the federal government; that rationale applied equally to all governments, state as well as federal.

McLoughlin's misunderstanding of Backus's position regarding religious tests for public office is repeated in David Sehat, *The Myth of American Religious Freedom* (Oxford: Oxford University Press, 2011), 26-27. Sehat also inexplicably argues that Backus "condemned . . . the separation of religion and state," citing the first page of Backus's *Appeal to the Public for Religious Liberty Against the Oppressions of the Present Day*. That page did not address the question of separation of church and state. But, as discussed above, much of the rest of the tract argued against "this blending of church and state together," citing Roger Williams with approval.

McLoughlin took another of Backus's statements out of context in a discussion of the latter's view of compulsory church attendance laws. In his pamphlet *A Door Opened for Christian Liberty* (1783), Backus stated: "We believe that attendance upon public worship and keeping the first day of the week holy to God are duties to be inculcated and enforced by his laws instead of the laws of men, but we have had no controversy with our rulers about that matter." McLoughlin, *Backus*, 433. McLoughlin included only the last clause of this sentence in remarking that Backus had a "comparative lack of concern" with compulsory Sabbath attendance. Ibid., 49-50. The fact that Backus and other Baptists had not challenged the Massachusetts compulsory church attendance laws by 1783 may have been a purely prudential political calculation. However, there is no question that Backus opposed such laws. Indeed, as Backus observed in his pamphlets, those laws were used by supporters of the established church against the Baptists, who argued against laws requiring them to attend services of an officially approved church. Ibid., 244 ("A Fish Caught in His Own Net," 1768), 393 ("An Appeal to the People," 1780), 407 ("Truth is Great and Will Prevail," 1781). McLoughlin himself admitted that Backus "once or twice briefly mentioned his opposition to laws compelling attendance at public worship on Sundays." Ibid.,

50n27 (not, however, citing any writing of Backus). McLoughlin's selective quotation from Backus's August 6, 1754, diary entry about his grandfather's enforcement of a sabbatarian law, ibid., 32, cannot be evaluated, since I do not have access to that diary. However, any such remark by a thirty-year-old Backus must be considered provisional in light of his later position on such issues. McLoughlin himself acknowledged that Backus did not discover the writings of Roger Williams until the early 1770s, ibid., 17, specifically February 2, 1773. William L. McLoughlin, "Isaac Backus and the Separation of Church and State in America," *The American Historical Review* 73, no. 5 (June 1968): 1400n19 http://www.jstor.org/stable/1851375?origin=JSTOR-pdf.

McLoughlin's hostility to Roger Williams and perhaps his true underlying motivation were revealed quite clearly in his above-cited article "Isaac Backus and the Separation of Church and State in America," 1392-1413. In this writing McLoughlin implicitly, if not explicitly, advocated returning to the nineteenth-century legal preferences given to Protestants, which necessarily and historically entailed legal discrimination against other religious and nonreligious individuals and groups. McLoughlin here attempted to portray Backus as supporting the nineteenth-century evangelical project of a legally imposed Christian (i.e., Protestant) nation in opposition to the separationist principles of Williams, Jefferson, and Madison (see the discussion in Chapter 10 of the nineteenth-century backsliding from the concepts of Williams, Jefferson, and Madison). However, McLoughlin's citations to Backus's writings again twisted Backus's words far out of context, and he again improperly conflated Backus's views with those of other evangelicals. Moreover, he frequently relied on Backus's alleged failure to explicitly oppose certain practices as proof that Backus supported them. Whatever the case may be regarding other nineteenth-century evangelicals, McLoughlin's attempt to make Backus an opponent of the separationist principles of Williams, Jefferson, and Madison

lacks corroborative evidence and is contrary to Backus's own statements. Backus differed theologically from Jefferson and Madison and may have differed theologically from Williams, but such religious differences do not alter the fact that, like these three other great Founders, Backus was a firm supporter of church-state separation and liberty of conscience.

[31] Backus, *Church History*, 18. Professor James D. Knowles later wrote, in a work published in 1834, that "[a] few copies [of *The Bloudy Tenent*] exist, in the large libraries in this country." *Memoir of Roger Williams*, 360.

[32] Backus, *Church History*, chaps. 2-5 passim.

[33] Ibid., 123-24. Backus assumed that Roger Williams was born in 1599 in Wales. Ibid., 35. However, as discussed Chapter 1, the consensus of recent historians is that Williams was born about 1603 in London. Under the latter view, he was about eighty years old at the time of his death in 1683.

[34] Charles Francis Adams, *The Life of John Adams*, in *The Works of John Adams, Second President of the United States . . .* , ed. Charles Francis Adams, vol. 1 (Boston, 1856), 621. See also JA to TJ, June 28, 1813, in *The Adams-Jefferson Letters*, 338; JA to TJ, July 18, 1813, in ibid., 361-62; JA to TJ, September 14, 1813, in ibid., 373; JA to TJ, December 25, 1813, in ibid., 409-13; JA to TJ, April 19, 1817, in ibid., 509; JA to TJ, May 18, 1817, in ibid., 515; JA to TJ, January 23, 1825, in ibid., 607-8. John Adams was a life-long member of the United First Parish Church in Quincy, Massachusetts, and his tomb is in a crypt within this church. Although the church was founded by Puritan Congregationalists in 1636, it became Unitarian in 1750, when Adams was fourteen or fifteen years old. It remains an active Unitarian church today. Website of United First Parish Church (Unitarian), accessed May 26, 2013, http://www.ufpc.org/historyvisitorprogram/history.html.

[35] Deed of JA to Town of Quincy, August 10, 1822, Founders Online, National Archives, accessed April 8, 2015, http://founders.

archives.gov/documents/Adams/99-03-4124 (last updated March 20, 2015).

[36] Nathan Hale and Charles Hale, eds., *Journal of Debates and Proceedings in the Convention of Delegates Chosen to Revise the Constitution of Massachusetts* . . . , rev. and corrected ed. (Boston, 1853), 427; the list of delegates is in ibid., 5-8. Cf. TJ to JA, January 22, 1821, in *The Adams-Jefferson Letters*, 569; McCullough, *John Adams*, 631; Gilbert Chinard, *Honest John Adams* (Boston: Little, Brown, 1964), 340-41. For a discussion of John Adams's participation in the 1779-80 Massachusetts Constitutional Convention, see Witte, "Most Mild and Equitable Establishment," 227-52. I disagree, however, with Witte's comments about the application of John Adams's 1779-80 viewpoint to today's Establishment Clause controversies. Ibid., 251-52.

[37] Charles Francis Adams, *The Life of John Adams*, in *The Works of John Adams*, 1:628.

[38] Hovey, *Memoir*, 264. For an excellent account of the protracted, tortuous demise of governmental entanglement with religion in Massachusetts, see John D. Cushing, "Notes on Disestablishment in Massachusetts, 1780-1833," *William and Mary Quarterly*, 3rd ser., 26, no. 2 (April 1969): 169-90, http://www.jstor.org/stable/1918674. The text of the 1833 constitutional amendment is set forth in Witte, "Most Mild and Equitable Establishment," 250.

[39] Cushing, "Disestablishment in Massachusetts," 190; Mark D. McGarvie, "Disestablishing Religion and Protecting Religious Liberty in State Laws and Constitutions (1776-1833)," in T. Jeremy Gunn and John Witte, Jr., eds., *No Establishment Of Religion: America's Original Contribution To Religious Liberty* (New York: Oxford University Press, 2012), 93-94. The final struggle between Unitarians and Trinitarians over control of the Massachusetts government and tax-supported Harvard University (both of which the Unitarians had come to dominate, notwithstanding the fact

that they remained a minority religious group among the general populace) is elaborated in all its delicious irony in chapters 8-9 of Jacob C. Meyer's *Church and State in Massachusetts: From 1740 to 1833* (Cleveland: Western Reserve University Press, 1930). "By 1830 the prejudice between Unitarians and Trinitarians had driven both to the acceptance of the logic [separation of church and state] of the dissenters, at least in part." Ibid., 211. Trinitarians fumed about "infidels" (the Unitarians) being in control of the established church. Ibid., 218. "By 1831 the [Massachusetts] House of Representatives voted favorably on the amendment for disestablishment. The Senate [then dominated by Unitarians] was able to postpone the submission of the amendment until 1833 when it was ratified by the people by a vote of approximately ten to one." Ibid., 220. Chapters 9-11 of Brooks Adams's *Emancipation of Massachusetts* detailed eighteenth-century developments in the history of Massachusetts Bay theocracy.

[40] JM to William Bradford, January 24, 1774, in *The Papers of James Madison*, 1:105-6 and editorial note at 107n8. For a history of persecution of and discrimination against Baptists and other dissenting sects in Virginia, see Robert B. Semple and G. W. Beale, *A History of the Rise and Progress of the Baptists in Virginia*, rev. and extended ed. (Richmond, VA, 1894), 20, 21n, 25, 27, 29-50, 154-56, 204-5, 238, 382n, 481-84. The first edition of this book was published by Semple in 1810.

[41] JM to Bradford, April 1, 1774, in *Madison: Writings*, 8-9.

[42] "James Madison's Autobiography," ed. Douglass Adair, *William and Mary Quarterly*, 3rd ser., 2, no. 2 (April 1945): 198-99, http://www.jstor.org/stable/1923519.

[43] JM to Bradford, November 26, 1774, in *The Papers of James Madison*, 1:130.

[44] Bradford to JM, January 4, 1775, in ibid., 131.

[45] The title page of the 1774 edition of the *Journal of the Proceedings of the Congress, Held at Philadelphia, September 5, 1774* states that it was

"Printed by William and Thomas Bradford" (the father and brother of Madison's friend). *Journals of the Continental Congress, 1774-1789*, vol. 1, ed. Worthington Chauncey Ford (Washington, D.C.: Government Printing Office, 1904), between 102 and 103 (image of title page of 1774 edition). (Note: The *Journals of the Continental Congress* are available online at the Library of Congress website, http://memory.loc.gov/ammem/amlaw/lwjclink.html.) William Bradford's family also published *The Pennsylvania Journal and the Weekly Advertiser* in Philadelphia. Library of Congress, "About The Pennsylvania Journal, or Weekly Advertiser," accessed June 6, 2013, http://chroniclingamerica.loc.gov/lccn/sn85047530/; Historical Society of Pennsylvania, *Bradford Family Papers*, "Background Note" (2006), 1-2, accessed June 6, 2013, http://hsp.org/sites/default/files/legacy_files/migrated/findingaid1676bradford.pdf; *Papers of James Madison*, 1:133n1. "William Bradford, a Philadelphia native, was the son of patriot and printer William Bradford (1722-1791) and his wife Rachel Budd. The elder William Bradford was Benjamin Franklin's rival and publisher of *The Weekly Advertiser*." University of Pennsylvania website, University Archives & Record Center, "Penn Biographies: William Bradford (1755-1795)," accessed May 29, 2013, http://www.archives.upenn.edu/people/1700s/bradford_wm.html. Madison's friend, the younger Bradford, was later the second attorney general of the United States. Ibid.

[46] JM, "Autobiography," 199.

[47] *Papers of James Madison*, 1:170-75.

[48] JM, "Autobiography," 199. The underlining was apparently by Madison. Ibid., 199n13. For additional accounts of Madison's efforts regarding the Virginia Declaration of Rights, see Ralph Ketcham, *James Madison: A Biography* (Charlottesville: University Press of Virginia, 1990), 72-73; Ketcham, "James Madison, Thomas Jefferson, and the Meaning of 'Establishment of Religion' in Eighteenth-Century Virginia," in Gunn and Witte, *No Establishment*, 161-62.

[49] *Papers of James Madison*, 1:171 (editorial note). Sometime during the first half of June 1776, Madison sent a letter to his father via Elijah Craig, the pastor of the Blue Run Church in Orange County (the county where the Madison family resided). Craig, who was arrested two or three times for his religion, served as a Baptist agent to the Virginia Convention and was well known to Madison, perhaps being one of the imprisoned Baptist preachers on whose behalf Madison had earlier worked. Elijah Craig's brother Lewis Craig had also been imprisoned for Baptist preaching. JM to James Madison Sr., June 1776, in ibid., 1:181-82; ibid., 183n7 (editorial note); Semple and Beale, *History of the . . . Baptists in Virginia*, 24, 204n, 238, 240-41; Ketcham, *James Madison*, 57, 74.

[50] JM, "Autobiography," 199.

[51] TJ, *Autobiography*, in *Jefferson: Writings*, 13-24 (including excerpts from Jefferson's contemporaneous notes of the Second Continental Congress proceedings); Library of Congress, *Journals of the Continental Congress, 1774-1789*, vol. 5, ed. Worthington Chauncey Ford (Washington, D.C.: Government Printing Office, 1906), 425-26, 428-29, 431, 491-502, 504-7, 509-516. (Note: The *Journals of the Continental Congress* are available online at the Library of Congress website, http://memory.loc.gov/ammem/amlaw/lwjclink.html.) See Appendix D for the influence of John Locke on Jefferson's draft of the Declaration.

[52] TJ, *Autobiography*, in *Jefferson: Writings*, 30-31 (excerpts from Jefferson's contemporaneous notes of Second Continental Congress proceedings).

[53] Ibid., 32.

[54] Ibid., 34.

[55] Ibid., 35.

[56] Ibid. See also Semple and Beale, *History of the . . . Baptists in Virginia*, 51-52, 495-96.

[57] Semple and Beale, *History of the . . . Baptists in Virginia*, 51, 53-54, 98, 99, 103, 207, 496-99. Historically, under Virginia law,

"[e]very [Anglican/Episcopal] minister was entitled to his parsonage, and his glebe of two hundred acres, and most of them cultivated their land like other planters." Allan Nevins, *The American States during and after the Revolution, 1775-1789* (1924; repr., New York: Augustus M. Kelley, 1969), 434. Many Baptists opposed the incorporation of any church, including their own, because they believed it would be a violation of the principle of separation of church and state. Lemons, *First Baptist, Providence*, xxx-xxxin59.

[58] TJ, *Notes on the State of Virginia*, in *Jefferson: Writings*, 284-85.

[59] TJ, "A Memorandum (Services to My Country)," ca. 1800, in *Jefferson: Writings*, 702. Although Jefferson, who had been in Paris at the time, wrote that the Bill for Establishing Religious Freedom was "not passed till 1785, and then by the efforts of Mr. Madison," ibid., the actual date of final approval of the legislation was January 19, 1786. Robert A. Rutland and William M. E. Rachel, eds., *The Papers of James Madison*, vol. 8 (Chicago: University of Chicago Press, 1973), 401 (editorial note); Ketcham, "James Madison, Thomas Jefferson," in Gunn and Witte, *No Establishment*, 163, 171. The text of the Bill as Jefferson originally proposed it in 1777 (a few modifications were made when it was enacted in 1786) is reproduced in *Jefferson: Writings*, 346-48. Timothy L. Hall states that Jefferson's remarks about Virginia heresy laws in his *Notes on the State of Virginia* were written *after* the enactment of the Bill for Establishing Religious Liberty and that Jefferson accordingly "remained concerned that the protection for opinions on religious matters was still not complete" even after passage of the Bill. *Separating Church and State*, 141n58. However, Jefferson composed his *Notes on the State of Virginia* in 1981-82. *Jefferson: Writings*, 124. Although the *Notes* were published in England in 1787 (ibid., 1522), they were published at that time "in their original form," i.e., in the form they were written in 1981-82. Ibid., 124. This explains why Jefferson did not mention the enactment of the Bill for Establishing Liberty in his discussion of freedom of religion in

Query XVII of the *Notes*. Ibid., 281-87. Thus, Jefferson's remarks about the Virginia heresy laws in the *Notes* were written a number of years before the 1786 passage of the Bill for Establishing Religious Liberty.

[60] *Jefferson: Writings*, 347. The enacted language is in *The Papers of James Madison*, 8:400, and in Kurland and Lerner, *Founders' Constitution*, 5:85.

[61] *Jefferson: Writings*, 346. The enacted language is in *The Papers of James Madison*, 8:399, and in Kurland and Lerner, *Founders' Constitution*, 5:84.

[62] TJ, *Autobiography*, in *Jefferson: Writings*, 40; see also Ketcham, "James Madison, Thomas Jefferson," in Gunn and Witte, *No Establishment*, 163.

[63] Hall, *Separating Church and State*, 124-32; cf. James Calvin Davis, introduction to *On Religious Liberty: Selections from the Works of Roger Williams* (Cambridge, MA: Belknap Press of Harvard University Press, 2008), 41. Although Hall acknowledged that Jefferson was concerned to some extent with religious practice, ibid., 127, the gist of Hall's argument is that Jefferson was a secular humanist who cared little for the protection of religious practices. But even though Jefferson's private writings indicate that he was very likely a deist, unitarian, or agnostic (see, for example, Kerry Walters, *Revolutionary Deists: Early America's Rational Infidels* (Amherst, NY: Prometheus Books, 2011, chap. 5)), the great Founder nevertheless did not fail to express public opposition to governmental suppression of dissenting religious practices. See for example, his *Notes on the State of Virginia* in *Jefferson: Writings*, 283.

[64] John Locke, *A Letter Concerning Toleration and Other Writings*, ed. Mark Goldie (Indianapolis: Liberty Fund, 2010). All citations in the present book are to the Goldie edition.

[65] *Jefferson: Writings*, 1522 (editorial chronology).

[66] *Madison: Writings*, 896-97 (editorial chronology). The Confederation Congress (also known as the "Continental

Congress" or "Congress") was the extension of the Second Continental Congress after the ratification of the Articles of Confederation in 1781. It was succeeded by the United States Congress when the new government went into effect in 1789 following the ratification of the United States Constitution.

[67] Quoted in Irving Brant, *James Madison*: *The Nationalist, 1780-1787* (Indianapolis: Bobbs-Merrill, 1948), 343.

[68] JM to TJ, July 3, 1784, in *Papers of James Madison*, 8:93; ibid., 123 (editorial note); JM to James Monroe, November 14, 1784 (observing that the general assessment bill "excludes all but Christian Sects"), in ibid., 137-38; Richard Henry Lee to JM, November 26, 1784 (supporting the general assessment bill), in ibid., 149-50; ibid., 155n2 (editorial note observing that the House of Delegates passed, on November 11, 1784, a resolution calling for "a moderate tax or contribution, annually, for the support of the christian religion," which was opposed by Madison); ibid., 195-97 (editorial note); JM to TJ, January 9, 1785, in ibid., 228-29. See also Ketcham, *James Madison*, 160, 162-63; Brant, *James Madison*: *The Nationalist*, 343-44.

[69] *Papers of James Madison*, 8:197.

[70] Ibid., 198-99.

[71] Ibid., 200.

[72] JM to TJ, January 9, 1785, in ibid., 229.

[73] JM to James Monroe, June 21, 1785, in ibid., 306.

[74] Editorial note in ibid., 295-98; Ketcham, *James Madison*, 163; Ketcham, "James Madison, Thomas Jefferson," in Gunn and Witte, *No Establishment*, 170-71.

[75] *Papers of James Madison*, 8:298-302.

[76] Ibid., 296.

[77] For an extended discussion of this and related questions, see Mark S. Scarberry, "John Leland and James Madison: Religious Influence on the Ratification of the Constitution and on the Proposal of the Bill of Rights," *Penn State Law Review* 113, no. 3 (Winter 2008): 751-55, http://pennstatelawreview.org/articles/113%20Penn%20St.%20L.%20Rev.%20733.pdf.

[78] *Papers of James Madison*, 8:389-93 (editorial notes); JM to TJ, January 22, 1786, in ibid., 473-74. For additional information regarding the history of separation of church and state in Virginia, see Estep, *Revolution within the Revolution*, chap. 6.

[79] See the previous discussions of John Clarke in this book, especially in Chapters 6-8.

[80] John Leland, "Address at a Democratic Meeting Held at Cheshire, August 28, 1834," in *The Writings of the Late Elder John Leland . . .* , ed. L. F. Greene (New York, 1845), 655.

[81] *Writings of John Leland*, ed. Greene, 487, 506, 565, 567, 654-55, 666.

[82] Neil H. Cogan, ed., *The Complete Bill of Rights: The Drafts, Debates, Sources, and Origins* (New York: Oxford University Press, 1997), 707.

[83] Wood, *Empire of Liberty*, 69.

[84] JM to TJ, October 17, 1788, in *Jefferson-Madison Correspondence*, 564-66

[85] James Madison Sr. to James Madison, January 30, 1788, in *The Papers of James Madison*, vol. 10, ed. Robert A. Rutland et al. (Chicago: University of Chicago Press, 1977), 446.

[86] James Gordon Jr. to JM, February 17, 1788, in ibid., 515-16.

[87] John Dawson to JM, February 18, 1788, in ibid., 517-18.

[88] Joseph Spencer to JM, February 28, 1778, in ibid., 540-41. Leland's written objections are not included in *The Papers of James Madison* but are quoted in part in Scarberry, "John Leland and James Madison," 765.

[89] Quoted in Scarberry, "John Leland and James Madison," 765.

[90] Edmund Randolph to JM, February 29, 1788, in *Papers of James Madison*, 10:542.

[91] JM to George Washington, March 3, 1788, in ibid., 556.

[92] Scarberry, "John Leland and James Madison," 765-76.

[93] Ibid., 776.

[94] Many details of these events have necessarily been omitted for reasons of space. Among other good histories of these events, see Scarberry, "John Leland and James Madison," 784-97.

[95] Profile of Richard Cranch, *LibraryThing*, accessed August 27, 2014, http://www.librarything.com/profile/RichardCranch; *John Adams: Revolutionary Writings, 1755-1775*, 24-26, 67, 195, 208, 221; *John Adams: Revolutionary Writings, 1775-1783*, 104, 170, 173, 177, 310, 481, 554, 592; *The Adams-Jefferson Letters*, 144, 399.

[96] Catalogue of Richard Cranch Library, *LibraryThing*, accessed August 27, 2014, http://www.librarything.com/catalog/RichardCranch&deepsearch=Roger+Williams (use "suggested style").

[97] Jeremy Belknap, *The History of New-Hampshire*, vol. 1 (Philadelphia, 1784).

[98] Ibid., 75-99; the quotation is at 80.

[99] Ibid., 85.

[100] Entry for Jeremy Belknap, *History of New-Hampshire*, vol. 1, *LibraryThing*, accessed September 2, 2014, http://www.librarything.com/work/3839716/summary.

[101] Alexis de Tocqueville, *Democracy in America*, trans. and ed. Harvey C. Mansfield and Delba Winthrop (Chicago: University of Chicago Press, 2000), 688-89.

[102] David Ramsay, *History of the United States, from Their First Settlement as English Colonies, in 1607, to the Year 1808*, vol. 1 (Philadelphia, 1816), 154-55. Ramsay's account of Roger Williams's life in America is quite accurate; he does, however, repeat the common factual error at that time, discussed earlier, that Roger Williams was born in Wales in 1599 and educated at Oxford University. Ibid., 154n. See Chapter 1 of the present book, especially note 2. On the circumstances surrounding Ramsay's writing of *The History of the United States*, see Arthur H. Shaffer, *To Be an American: David Ramsay and the Making of American Consciousness* (Columbia, SC: University of South Carolina Press, 1991), 113, 189, 253-54.

[103] Ramsay, *History of the United States*, 1:155n.

[104] *John Adams: Revolutionary Writings, 1755-1775*, 188-89, 697n; *The Book of Abigail and John: Selected Letters of the Adams Family, 1762-1784*, ed. L. H. Butterfield, Marc Friedlaender, and Mary-Jo Kine, with a new foreword by David McCullough (Boston: Northeastern University Press, 2002 (originally published in 1975 by Harvard University Press)), 333-40, 343, 345, 348, 354-55, 365-67; G. Thomas Tanselle, *Royall Tyler* (Cambridge, MA: Harvard University Press, 1967), 1-19; Mary Palmer Tyler, *Grandmother Tyler's Book: The Recollections of Mary Palmer Tyler (Mrs. Royall Tyler), 1775-1866*, ed. Frederick Tupper and Helen Tyler Brown (New York: G. P. Putnam's Sons, 1925), 25-26, 73-82, 184. Historian Jill Lepore, to whom I owe awareness of Royall Tyler, wrote about him at some length in *The Whites of Their Eyes: The Tea Party's Revolution and the Battle over American History* (Princeton: Princeton University Press, 2010), 147-51. See also the introductory editorial material in [Royall Tyler], *The Algerine Captive; or, The Life and Adventures of Doctor Updike Underhill: Six Years a Prisoner Among the Algerines*, ed. Caleb Crain (New York: Modern Library, 2002), v-vii, xvii-xxiii. This edition of *The Algerine Captive*, which is the source of all page citations herein to the work, is based on the original 1797 edition (the citations include the volume and chapter numbers of the original edition). The actual 1797 edition is not available on the Internet at the time of this writing.

[105] Tanselle, *Royall Tyler*, vii-xiii, 8-9, 19-48, 77-81; Mary Palmer Tyler, *Grandmother Tyler's Book*, 107, 117-19, 177-92, 201-12, 217-45, 258-59, 265-66, 270-99, 321-26. George Washington's "name had led the list of subscribers to the original 1790 edition" of *The Contrast*, and Washington's "copy was the basis for the 1920 edition" of the play. Tanselle, *Royall Tyler*, 80; see also Catalogue of George Washington Library, *LibraryThing*, accessed September 13, 2014, http://www.librarything.com/work/2589409/summary/46574441.

[106] Tyler, *The Algerine Captive*, 11-21 (vol. 1, chaps. 1-3); Belknap, *History of New-Hampshire*, 40-46, 80-89; *Winthrop Journal*, 51n6 (editorial note), 163-64, 183, 212, 241 (Captain Underhill disenfranchised for his support of Anne Hutchinson and other Antinomians), 262-64, 269-70, 274-75, 284-86, 299-300, 319-21, 334-66; Captain John Underhill, *Newes from America* . . . (London, 1638); *CRW*, 1:22 (editorial note), 259 (Williams observed that Captain Underhill "in a Dutch vessel" was visiting Williams's trading post in late 1648, apparently for the purpose of trade); Mary Palmer Tyler, *Grandmother Tyler's Book*, 258-59 (circumstances of writing *The Algerine Captive*), 265-66 (*The Algerine Captive* later published in London). For some unknown reason, Tyler conflated the history of Captain Underhill with the much earlier history of his father in the age of Queen Elizabeth I. Tyler, *The Algerine Captive*, 11-13 (vol. 1, chap. 1). Since Captain Underhill was born in 1597 (died in 1672) and Queen Elizabeth died in 1603, it would have been impossible for him to have been involved in the historical events related by Tyler during Elizabeth's reign. It was his father, John Edward Underhill (1574–1608), who participated in those events.

[107] Tyler, *The Algerine Captive*, 131-36 (vol. 2, chap. 7). As for the contemporary criticism of Tyler, see Tanselle, *Royall Tyler*, 172.

[108] Royall Tyler [A Member of the Berean Society, pseud.], *The Touchstone; or a Humble, Modest Inquiry into the Nature of Religious Intolerance; Whether It Ever Existed? Whether Those Who Practice It Are Conscious of It? Whether It is Found in These Regions? And the Way to Detect It in Ourselves* (Brattleboro, VT, 1818), 1-36 (these first thirty-six pages were typeset and at some point printed but apparently never published). The present author wishes to express his gratitude to the Special Collections Department of the Bailey/Howe Library of the University of Vermont Libraries for e-mailing PDFs of these pages to him for a nominal fee. Although

the last few lines at the bottoms of pages 11 and 12 are cut off in the University of Vermont copy, the other thirty-four pages plus the title page have survived in their entirety. This limited set of printed pages was missing for an extended period of time. The historical background regarding their generation was explained in Tanselle, *Royall Tyler*, 46, 181-82, 269n4, and *The Prose of Royall Tyler*, ed. Marius B. Péladeau (Rutland, VT: Charles E. Tuttle Co., 1972), 29. Tyler had contracted with a local printer, Simeon Ide of Brattleboro, Vermont, to provide manuscript copy for a seventy-two-page work by March 4, 1818. Tanselle, *Royall Tyler*, 181-82. According to Péladeau, "Tyler worked on the manuscript through the summer and fall of 1817 and as soon as copy was ready sent it on to Ide to be set in type. In a letter written years later to Tyler's son, Ide said that at least four or five forms (containing 18 pages each) were completed before he moved to Windsor [Vermont] in February, 1818. The publisher stated he definitely did not complete the entire book . . . ." Péladeau, *Prose of Royal Tyler*, 290. Since four forms at eighteen pages per form would equal seventy-two pages, it appears that the length of the work was going to exceed the initially projected seventy-two pages but that Péladeau's removal to Windsor permanently interrupted the printing and publication schedule.

[109] Acts 17:11 (NKJV).

[110] RW, *Christenings make not Christians*, 14 (*CWRW*, 7:38); RW, *Hireling Ministry*, unpaged dedication to, among others, "All such gentle Bereans, who with ingenious *Civility* desire to search whether what's presented concerning *Christ Jesus*, be so or no" (*CWRW*, 7:151); RW, *GFDB*, 135, 249, 289, 420 (*CWRW*, 5: 135, 249, 289, 420); RW to Mrs. Anne Sadleir, ca. Winter 1652/53, in *CRW*, 1: 375 ("I most humbly pray so much Berean Civilitie, at your lo[ving] hands as to search and remember"). Roger Williams did not, however, use the terms "Berean" or "Bereans" in his *Bloody Tenent*

Yet More Bloody, the work to which Tyler may have had access when he resided in the household of Richard Cranch. Although Tyler did not have access to Williams's correspondence, it is unknown whether Tyler had read Williams's *Hireling Ministry* or *George Fox Digg'd out of his Burrowes*, which did contain the "Berean" references. Tyler was a voracious and well-educated reader, and we do not know the contents of his personal library or the identity of all the books he read from other libraries. Tyler's writings do, however, reference many other works. It is not clear whether *Hireling Ministry* or *George Fox Digg'd out of his Burrowes* was available to him in any library to which he had access.

Roger Williams's statement that "we are to try all things, to try the very Spirits," RW, *GFDB*, 289 (*CWRW*, 5:289), silently invokes (in the Geneva Bible or his own translation) 1 Thess. 5:21 ("Try all things, & keepe that which is good") and 1 John 4:1 ("believe not every spirit, but try the spirits whether they are of God: because many false prophets are gone out into the world" (same translation of 1 John 4:1 in KJV). The word "try" in these verses is a somewhat archaic usage meaning "test." Thus, the NKJV uses the word "test" instead of "try" in translating these passages. In prefatory remarks "To the several Respective General Courts especially that of the Massachusetts in N. England" in his *Bloody Tenent Yet More Bloody* (a copy of which was in his library of Richard Cranch, in whose house Tyler resided for a time), Williams stated: "It is the *Command* of *Christ Jesus* to his *Schollars* [students or followers], to try all things: And *Libertie* of trying what a *Friend*, yea what an (esteemed) *Enemie* presents, hath ever (in point of *Christianity*) proved one especiall means of attaining to the *truth of Christ*." *BTYMB*, unpaged (*CWRW*, 4:29). Reference to these New Testament verses was not unknown in the decades between Williams and Tyler. In a famous 1744 essay,

Elisha Williams (apparently no relation to Roger Williams) cited 1 Thess. 5:21 and 1 John 4:1 in support of an argument for liberty of conscience for Protestants. Elisha Williams, *The Essential Rights and Liberties of Protestants*: *A seasonable Plea for The Liberty of Conscience, and The Right of private Judgment, In Matters of Religion, Without any Controul from human Authority*, in *Political Sermons of the American Founding Era, 1730-1805*, 2nd ed., 2 vols., ed. Ellis Sandoz (Indianapolis: Liberty Fund, 1998), 1:63. It is supremely ironic that Elisha Williams was the great-grandson of Cotton Mather, whose rejection of liberty of conscience Elisha Williams strongly, albeit tacitly, opposed. Ibid., 52 (editorial note). A reading of his essay, however, establishes that Elisha Williams was more influenced by John Locke's *Second Treatise of Government* (which he repeatedly cited) than by John Cotton's nemesis—Roger Williams. Moreover, Elisha Williams, in opposing liberty of conscience for Roman Catholics and in supporting governmental compensation to religious ministers, ibid., 93 and 109, was more a follower of Locke than of Roger Williams, who rejected any such governmental involvement in religion. See Appendix D to the present book regarding the evolution of Locke's position on toleration.

[111] Tyler, *The Touchstone*, 11, 17, 26. Martin Luther cited Acts 17:11 to support his thesis that scripture alone, not church traditions, should inform Christian belief and practice. Luther, *The Bondage of the Will*, trans. J. I. Packer and O. R. Johnston (Grand Rapids, MI: Fleming H. Revell, 1957), 127. As explained above, Williams's Seekerism went well beyond Luther and Calvin. For his part, Tyler went so far as to call Servetus, in heretically denying the Trinity, a "peaceable, modest, inquiring, Berean, liberal christian . . . ." *The Touchstone*, 26. It should additionally be noted that the practice of naming certain American churches "Berean" was a development that occurred later in the nineteenth century, after Tyler had written *The Touchstone*.

[112] Tyler, *The Touchstone*, 3-16.
[113] Ibid., 15.
[114] Ibid.
[115] Ibid., 16. This was written about a year before Connecticut disestablished its official church.
[116] Ibid., 16-21.
[117] Ibid., 17. It should be observed, however, that not all of the persons on this list consistently advocated religious liberty and separation of church and state. Tyler may not have been aware of the historical details of their views and practices on these issues.
[118] Ibid., 22.
[119] Ibid., 23.
[120] Ibid., 24.
[121] Ibid.
[122] Ibid., 25.
[123] Ibid., 25-26.
[124] Ibid., 26.
[125] Ibid., 36.
[126] Lepore, *The Whites of Their Eyes*, 150.
[127] [Royall Tyler], unsigned article in *The American Yeoman*, Brattleboro, Vermont, January 13, 1817 [*sic*], in *The Prose of Royall Tyler,* ed. Marius B. Péladeau (Rutland, VT: Charles E. Tuttle Co., 1972), 352-53. For background, see ibid., 281, 287-90, 320-21, 350-51. The date (January 13, 1817) assigned by Péladeau to this article, ibid., 351, is inconsistent with his earlier statement that this local newspaper published its first issue on February 4, 1817, ibid., 288. The correct date, inferable from the chronological order of the articles written by Tyler for *The American Yeoman*, is January 13, 1818, shortly before the last issue of the newspaper was published on January 27, 1818. Ibid., 281, 290, 350-51. Péladeau's Chronological Index states the correct date of the article. Ibid., 486.

Chapter 10. The Continuing Influence and Relevance of Roger Williams

[1] Stephen Porter, "The Memorial to Roger Williams," *Rhode Island History* 73, no. 1 (Winter/Spring 2015): 36. See also Oscar S. Straus, *Under Four Administrations: From Cleveland to Taft* (Boston: Houghton Mifflin, 1922), 119-21.
[2] Sidney S. Rider, *An Inquiry Concerning the Origin of the Clause in the Laws of Rhode Island (1719-1783) Disenfranchising Roman Catholics* (Providence, 1889) (Rhode Island Historical Tracts, 2nd ser., 1).
[3] Diman, "Address . . . October 16, 1877," in *Orations and Essays*, 108.
[4] Theodore Foster, *Materials for a History of Rhode Island*, ed. William E. Foster, in *RIHS Collections* 7:70-88; William E. Foster, *Stephen Hopkins*, 2:161. For detailed biographical information regarding Senator Foster, see William E. Foster, "Sketch of the Life and Services of Theodore Foster," in *RIHS Collections* 7: 111-34. This Sketch observes that "[d]uring the years 1776 to 1785 [Theodore Foster] was brought into the closest association with Governor Stephen Hopkins . . . . The two men, whose historical tastes furnished a common bond of sympathy, systemically cooperated in the collection and preservation of historical materials." Ibid., 117. A briefer biography of Foster is found in Conley, *Rhode Island's Founders*, Kindle loc. 2274-307.
[5] Knowles, *Memoir of Roger Williams.* Although biographical information about Knowles is difficult to find, the title page states that he was Professor of Pastoral Studies at Newton Theological Institution, and he states in his preface that he was a native of Rhode Island. Ibid., xii. For historical information about Newton Theological Institution, see Andover Newton Theological School, "Newton Theological Institution: The Story of a School on a Hill," accessed April 26, 2013, http://www.ants.edu/history/newton/.

[6] Catalogue of Carl Sandburg Library, accessed September 20, 2014, http://www.librarything.com/catalog/CarlSandburgLibrary&deepsearch=Roger+Williams.

[7] Lemons, *First Baptist, Providence*, lvii.

[8] Ibid., lv.

[9] Staples, *Annals of the Town of Providence*, in *RIHS Collections*, 5:11-172 passim.

[10] Ibid., 13.

[11] Ibid., liv.

[12] Francis Wayland, *Notes on the Principles and Practices of Baptist Churches* (New York, 1857), preface (unpaged), 134-39, 146-47 (quotations at 138 and 139).

[13] Ibid., 146.

[14] Arnold, *History of Rhode Island*, vol. 1, chaps. 1-11 passim.

[15] Roger Williams University, "Mission and Core Values," last accessed May 6, 2015, http://www.rwu.edu/about/who-we-are/mission-core-values.

[16] See the discussion of *Mr. Cottons Letter Examined* in Chapter 4 and the epigraphs to Chapter 9.

[17] John Leland, "Events in the Life of John Leland: Written by Himself," in *Writings of John Leland*, ed. Greene, 30-32; Dumas Malone, *Jefferson and His Time*, vol. 4, *Jefferson the President: First Term 1801-1805* (Boston: Little, Brown, 1970), 106-9; Dreisbach, *Thomas Jefferson and the Wall of Separation*, chaps. 2-3. Although I do not agree with all of Dreisbach's conclusions about church-state relations, his in-depth historical investigations are often valuable. As far as I know, neither Dreisbach nor anyone else has previously suggested a direct connection between Leland's meeting with Jefferson on January 1, 1802, and the "wall of separation" metaphor in Jefferson's Danbury Baptist letter that same day. It is not clear whether Leland had direct access to *Mr. Cottons Letter Examined*, in which Williams set forth his famous figurative language. RW, *Mr. Cottons Letter Examined*, 45 (*CWRW*, 1:392). But Leland may well have had access to Cotton's *Reply*,

which was attached to the then extant edition of Cotton's *Bloudy Tenent Washed* and which Backus cited and quoted in volume one of his *History of New-England*. E.g., ibid., 57, 58 (footnotes referencing the second part of *The Bloudy Tenent Washed*, which actually are references to Cotton's *Reply* attached to *The Bloudy Tenent Washed*). Cotton's *Reply* refers to Williams's "*necessitie of Separation between the garden of the Church, and the wildernesse of the world*" (in Cotton's words), which Cotton then attempts to refute. JC, *Reply to Mr. Williams*, 134-37 (*CWRW*, 2:224-27). Although Cotton did not quote Williams's word "wall," it is possible that Leland, a follower of both Williams and Backus, was aware of Williams's basic metaphor by having read about it in Cotton's *Reply*. (The word "wall" naturally suggests itself as the metaphorical division between the garden of the church and the wilderness of the world in the language of Williams quoted by Cotton.) Of course, my hypothesis that Leland suggested Williams's "wall of separation" metaphor to Jefferson is supported only by circumstantial historical evidence, and it is likely that no direct corroboration of it will ever be forthcoming.

[18] John Leland, "An Elective Judiciary, with Other Things, Recommended in a Speech, Pronounced at Cheshire, July 4, 1805," in *Writings of John Leland*, ed. Greene, 287.

[19] See the excellent collection of his voluminous writings in *Writings of John Leland*, ed. Greene.

[20] John Leland, "The Virginia Chronicle," 1790, in ibid., 107.

[21] John Leland, "Transportation of the Mail," 1830, in ibid., 564-66.

[22] [L. F. Greene], "Further Sketches of the Life of John Leland," in *Writings of John Leland*, ed. Greene, 50.

[23] It is not possible, within the space limitations of this book, to explain and corroborate the details of the historical developments summarized in the present section of this book, but the interested reader is referred to the following books that treat them in considerable depth: Steven K. Green, *The Second*

Disestablishment: Church and State in the Nineteenth Century (Oxford: Oxford University Press, 2010); Sehat, *The Myth of American Religious Freedom*; Benjamin T. Lynerd, *Republican Theology: The Civil Religion of American Evangelicals* (Oxford: Oxford University Press, 2014); and Kevin M. Kruse, *One Nation under God: How Corporate America Invented Christian America* (New York, Basic Books, 2015). Although I do not agree with everything in these books (and, indeed, they sometimes disagree with each other in relatively minor matters), these authors often elaborate factually indisputable and relevant historical developments in substantial detail with copious references to primary sources. James Ernst also commented on the early twentieth-century commingling of church and state, in violation of the principles of Roger Williams, in his 1932 biography of Williams. Ernst, *Roger Williams*, 441-43.

Baptists have split on these issues. Some Baptist congregations have maintained the tradition of Roger Williams and the early Baptists in supporting separation of church and state and liberty of conscience. Others, under the leadership of such Baptist politico-religious figures as Pat Robertson and Jerry Falwell, have abandoned those concepts, supporting instead such deviations as public school prayer, indirect governmental funding of religious entities or activities, and other governmental measures supporting their notion of a Christian nation. Lemons, *First*, 1, 116n3; Edwin Gaustad and Leigh Schmidt, *The Religious History of America: The Heart of the American Story from Colonial Times to Today*, rev. ed. (New York: HarperOne, 2004), 402-12; Lynerd, *Republican Theology*, chap. 7 passim; Bill Moyers, foreword to *Revolution within the Revolution*, by Estep, viii-xii; Estep, *Revolution within the Revolution*, chap. 1; Paul D. Simmons, introduction to *Freedom of Conscience*, ed. Simmons, 10-11; Kruse, *One Nation under God*, chaps. 7, 8, and "Epilogue."

[24] *Cantwell v. Connecticut*, 310 U.S. 296 (1940).

[25] *Everson v. Bd. of Educ.*, 330 U.S. 1, 8 (1947) (citing *Murdock v. Pennsylvania*, 319 U.S. 105, 108 (1943)); see also *Everson*, 330 U.S.

at 15 & n.22 (citing, *inter alia*, *W. Va. State Bd. of Educ. v. Barnette*, 319 U.S. 624 (1843), discussed below in the text).

[26] Daryl R. Fair, "Incorporation Doctrine," in *Encyclopedia of the U.S. Supreme Court*, ed. Lewis and Wilson, 2:475-79.

[27] General Assembly of North Carolina, Session 2013, House Joint Resolution 494, proposed on April 2, 2013, accessed April 7, 2013, http://www.ncleg.net/Sessions/2013/Bills/House/HTML/H494v1.html.

[28] Morgan Chilson, "Sylvia Allen: Mandatory Church Might Help Make America Moral Again," *Newsmax*, March 27, 2015, accessed May 10, 2015, http://www.newsmax.com/TheWire/sylvia-allen-church-mandatory/2015/03/27/id/634998/.

[29] E.g., RW, "To the Most Honorable the Parliament of the Common-wealth of England," in BTYMB, unpaged (CWRW, 4:15); RW to John Endecott, ca. August-September 1651, in CRW 1:339. See also the numerous discussions of Williams's views in the present book.

[30] It should be noted, however, that Justice Clarence Thomas has adopted the revisionist view of a minority of scholars that the Establishment Clause was solely or at least primarily designed to prevent the national government from interfering with existing establishments of religion in a few of the states and, as such, cannot be applied to the states through the Fourteenth Amendment. *Elk Grove Unified School Dist. v. Newdow*, 542 U.S. 1, 45-51 (2004) (Thomas, J., concurring) (citing Philip Hamburger, *Separation of Church and State* (Cambridge: Harvard University Press, 2002), 106n40, and Akhil Reed Amar, *The Bill of Rights: Creation and Reconstruction* (New Haven: Yale University Press, 1998), 36-39)). However, this view ignores the vast historical evidence, some of which has been set forth in this book, to the contrary. The Establishment Clause was overwhelmingly prompted by the deep concern of the populace and many of their leaders that the federal government would establish a national religion or national religious doctrine or practices. See the historical background

discussed in Chapter 9, *supra*. For generally excellent analyses of the historical background of the First Amendment, including the incorporation issue raised by Justice Thomas and certain professors, see Steven K. Green, *The Second Disestablishment: Church and State in Nineteenth-Century America* (Oxford: Oxford University Press, 2010), chapter 2; Green, "Federalism and the Establishment Clause," *Creighton Law Review* 38 (2005): 761-97; and Douglas Laycock, *Religious Liberty*, vol. 1, *Overviews and History* (Grand Rapids, MI: William B. Eerdmans, 2010), 218-21, 279-81, 402. Cf. Carl H. Esbeck, "The First Federal Congress and the Formation of the Establishment Clause of the First Amendment," in Gunn and Witte, *No Establishment*, 208-51; Thomas C. Berg, "Disestablishment from Blaine to *Everson*: Federalism, School Wars, and the Emerging Modern State," in Gunn and Witte, *No Establishment*, 309-12.

[31] See Derek H. Davis, "The Enduring Legacy of Roger Williams: Consulting America's First Separationist on Today's Pressing Church-State Controversies," *Journal of Church and State* 41 (1999): 206-10. See also Martha C. Nussbaum, *Liberty of Conscience: In Defense of America's Tradition of Religious Equality* (New York: Basic Books, 2008). I disagree with many details of Nussbaum's historical account of Roger Williams and some of her interpretations of his writings (compare her discussions of Williams with mine with reference to the cited primary sources). For example, Nussbaum argues that separation of church and state "is not a key idea in [Williams's] writing." Ibid., 69. She alleges that Williams only used the phrase "wall of separation" "in a letter, not at all in his major writings." Ibid., 65; cf. ibid., 41. To the contrary, Roger Williams referred, approvingly, to "the hedge or wall of Separation between the Garden of the Church and the Wildernes of the world" in one of his first major published writings, *Mr. Cottons Letter Lately Printed, Examined and Answered*, which was forty-seven pages long (plus an unpaginated preface "To the Impartiall Reader") in the

original edition. *Mr. Cottons Letter Examined*, 45 (*CWRW*, 1:392). Although this publication could be called a pamphlet rather than a book, it definitely was not a letter. Furthermore, as established in the present book, separation of church and state was one of the most essential principles of Williams's teaching. Nussbaum repeatedly states that "the bare concept of 'separation'" implies that a government fire department could not put out a fire at a church. *Liberty of Conscience*, 10-12, 221, 231. She even goes so far as to assert, without citing any historical evidence, that the "separationist norm" requires the state to deny religious schools ordinary police and fire protection, connections for sewage disposal, public highways and side-walks. Ibid., 284. This is a straw person argument. To my knowledge, no present-day advocate of separation of church and state has ever made any such suggestion, and certainly no separationist Founder (for example, Williams, Jefferson, and Madison) ever did. Nussbaum also fails to adduce any evidence (other than some vague, conclusory statements about Justice John Paul Stevens) to support her implication that contemporary separationism has the same or similar anti-Catholic motives as nineteenth-century nativism or twentieth-century "new nativism." Ibid., 274-82. But although Nussbaum is hostile to the concept of separation of church and state, she sometimes criticizes academic and judicial promoters (witting or unwitting) of the Religious Right's constitutional agenda on other grounds. Ibid., 41 (Professor Mark DeWolfe Howe), 59 (same), 69 (same), 75-76 (Justice Clarence Thomas and the late Chief Justice William Rehnquist), 104-13 (Justice Thomas, Professor Akhil Amar, Chief Justice Rehnquist), 133-34 (Justice Thomas), 231-32 ("zealous Court-focused activity by conservative legal scholars"; Justice Antonin Scalia, Justice Arthur Kennedy, Chief Justice Rehnquist, Justice Thomas), 266-70 ("new [conservative] scholarship on the religion clauses"; Justice Thomas, U.S. Court of Appeals Judge Janice Rogers Brown, Chief Justice Rehnquist, Justice Kennedy,

Justice Scalia). Nussbaum observes that "the efforts of the religious right to 'mainstream' some of their chosen doctrines have taken time, and have only recently begun to bear fruit at the level of appellate adjudication, as years of subsidized scholarship has [*sic*] finally succeeded in moving positions that were once considered marginal to the center of the political spectrum." Ibid., 8. One wonders how Nussbaum could oppose the concept of separation of church and state—the Establishment Clause bugaboo of the Religious Right—while criticizing other conservative views about the Establishment Clause. One answer appears to be that Nussbaum dislikes the way that the separation principle was applied by some Supreme Court justices during the twentieth century. Ibid., chaps. 7-8 passim. To address Nussbaum's critique of twentieth-century Establishment Clause jurisprudence would require a separate work on U.S. constitutional law; such a task is beyond the scope of the present book. Suffice it to say for now that it is possible to apply the principle of separation of church and state in a rational and equitable way and that Nussbaum's drumbeat of rhetoric opposing the principle is not the last word on it. Additionally, her statements that neither Williams nor Madison was a separationist are contradicted by the historical evidence adduced in the present book.

[32] Coffey, "Puritanism and Liberty Revisited," 985.

Appendix A: Sir Edward Coke (1552-1634)

[1] Coke later acknowledged that he had engaged in improper conduct as a prosecutor: "There is a figure called *simulatio* [pretense] that (God forgive me) I used when I was in their [royal advocates'] places, that what we cannot answer we scorn and slight." Coke, speech in the House of Commons, March 29, 1628, in *Coke Selected Writings*, 3:1237. For an excellent, well-researched biography of Coke's life and work, see Bowen's *The Lion and the Throne*.

Chapters 7-8, 11-13, 15-17, and 19-20 of that work discuss Coke's work as Attorney General. See also John Hostettler, *Sir Edward Coke: A Force for Freedom* (1997; repr., Delhi, India: Universal Law Publishing, 2006). Hostettler, a former English solicitor, discussed Coke's actions as Attorney General on pages 19-60 of his book.

[2] This elevation also gave him the title of "Lord Coke." Bowen, *The Lion and the Throne*, 278.

[3] Ibid., 182, 277-81, 291-92.

[4] Hume, *History of England*, 4:354-70; 5:17, 549-50.

[5] Ibid., 4:208, 5:124-25.

[6] Ibid., 4:356.

[7] Ibid., 4:208.

[8] Ibid., 4:207-8, 356; 5:124-26; Bowen, *The Lion and the Throne*, 293-98.

[9] *Coke Selected Writings*, 1:433.

[10] Bowen, *The Lion and the Throne*, 296-302; *Coke Selected Writings*, 1:425-27, 432-38, 447-65, 471-81, 484-86, 501-20.

[11] J. R. Tanner, ed., *Constitutional Documents of the Reign of James I: 1603-1625* (Cambridge: Cambridge University Press, 1961), 63.

[12] James I, *Basilikon Doron: Or His Majesties Instructions to His Dearest Sonne, Henry the Prince*, in *The Political Works of James I* (1616; repr., Cambridge, MA: Harvard University Press, 1918), 12. The original version of *Basilikon Doron* was published in 1599, when James was king of Scotland but not yet of England.

[13] Bowen, *The Lion and the Throne*, 229, 302-3. Bowen gives the year as 1608, but it appears from other sources that this conference occurred in November of 1607. Tanner, *Constitutional Documents*, 186; *Coke Selected Writings*, 1:478 (giving the date as 1607), but see ibid., 1:xlviii (stating the date as 1608 in the editor's Chronology of Events with a cautionary note regarding the reliability of this and other dates).

[14] *Coke Selected Writings*, 1:478-80.

[15] Ibid., 1:486-87.

[16] 8 Co. Rep. 107a (1610). Coke's opinion is reprinted in *Coke Selected Writings*, 1:264-83.

[17] 8 Co. Rep. at 118a.

[18] Winston S. Churchill, *A History of the English-Speaking Peoples*, vol. 2, *The New World* (New York: Dodd, Mead, 1956), 329-30; see also Theodore F. T. Plucknett, "*Bonham's Case* and Judicial Review," in *Law Liberty, and Parliament: Selected Essays on the Writings of Sir Edward Coke*, ed. Allen D. Boyer (New York: Liberty Fund, 2004), 169-85.

[19] Quotation from Marshall in *Marbury*, 5 U.S. at 180. For the evolution of Coke's ideas in America from judicial review on the basis of custom and tradition to the concept of judicial review under written constitutions, see Gordon S. Wood, *Creation of the American Republic*, 262-68, 453-63.

[20] *Coke Selected Writings*, 3:1329.

[21] Ibid., 3:1225-97; Bowen, *The Lion and the Throne*, chap. 23.

Appendix B: Theocracy in Seventeenth-Century New England and Sixteenth-Century Geneva

[1] E.g., Arnold, *History of Rhode Island*, 1:24, 498, 514; Straus, *Roger Williams*, 15-16, 65-68, 115, 117, 125, 155-56, 199, 234; Brooks Adams, *The Emancipation of Massachusetts*, 188-480 passim; Easton, *Roger Williams*, 163. More recently, John M. Barry has referred to "the conflict . . . between two visions: the one embodied in [John] Winthrop's city on a hill [Massachusetts Bay] with its authoritative and theocentric state, the other in Williams's call for utter separation of church and state and individual rights." *Roger Williams*, 388. Colin Woodard has observed that "[t]he Pilgrims and, to a greater extent the Puritans, came to the New World . . . to build a completely new society: an applied religious utopia, a Protestant theocracy based on the teachings of John Calvin." Woodard, *American Nations: A History of the Eleven Rival Regional*

Cultures of North America (New York: Penguin, 2011), 57. A "central myth of American history"—that "the founders of Yankeedom were champions of religious freedom"—"is entirely false in regard to the Puritans of Massachusetts Bay, who would soon bring Plymouth and the other colonies of New England under their control." Ibid.

[2] Brooks Adams, *The Emancipation of Massachusetts*, chaps. 4-5; Perry Miller, *Errand into the Wilderness*, 144-45; Alan Taylor, *American Colonies* (New York: Penguin, 2001), 181; Roger Williams to John Winthrop Jr., ca. early August 1651 and ca. late August 1651, in *CRW*, 1:332-36; Clarke, *Ill Newes*; LaPlante, *American Jezebel*, chaps. 1, 3-5, 7-9, 11-14. The circumstances, including the causes, of Roger Williams's banishment are discussed in Chapter 2.

[3] Andrews, *Colonial Period*, 1:448. See also James Calvin Davis, introduction, *On Religious Liberty*, 14. Cf. Middleton, *Colonial America*, 78 ("most writers today dispute [the] charge [that Massachusetts Bay was a theocracy], since the clergy . . . were not granted temporal authority," but noting further, after reviewing certain historical facts, that "[c]hurch and state were thus inextricably intertwined" in the colony); Morgan, *Roger Williams*, 84 ("The [Massachusetts Bay] colony was not a theocracy in the usual sense of a rule by priests. But in the sense of a rule by God, through agents who steadily searched His Word and sought to apply it to every situation, Massachusetts aspired to be a theocracy."). Ancient Egypt was a classic theocracy in that the pharaoh was considered to be divine. Since 1979, the Islamic Republic of Iran has also been a classic theocracy. The current Putin regime in Russia is an Erastian system in which the established church is a tool of the state. (See references to Masha Gessen's books in note 5, *infra*.) Most European governments in the medieval and early modern periods were theocratic in the sense that it was regarded as the duty of the state to enforce religious uniformity and to punish what was perceived to be heresy; most Puritans, both

in Old and New England, agreed with this fundamental political theory. Perry Miller, *Errand into the Wilderness*, 144.

[4] A classic work, first published in 1961, is Robert A. Dahl, *Who Governs? Democracy and Power in an American City*, 2nd ed. (New Haven: Yale University Press, 2005).

[5] 1936 Constitution of the U.S.S.R., accessed December 11, 2012, http://www.departments.bucknell.edu/russian/const/1936toc.html; Nikita Khrushchev, *Memoirs of Nikita Khrushchev*, ed. Sergei Khrushchev, trans. George Shriver, vol. 1, *Commissar (1918-1945)* (University Park: Pennsylvania State University Press, 2004), 78-196, 216; ibid., vol. 2, *Reformer (1945-64)* (University Park: Pennsylvania State University Press, 2006), 82-91, 98-170; Robert Service, *Stalin: A Biography* (Cambridge, MA: Harvard University Press, 2005), 319-22 (adoption of 1936 Constitution and its aftermath), 336-56 (Stalin's "Great Terror"). The current Putin regime is described in Masha Gessen, *Words Will Break Cement: The Passion of Pussy Riot* (New York: Riverhead Books, 2014), 112-306 passim; Gessen, *The Man without a Face: The Unlikely Rise of Vladimir Putin* (New York: Riverhead Books, 2012), chaps. 6-9.

[6] Perry Miller, *Orthodoxy in Massachusetts*, chap.7, Kindle loc. 4361-62.

[7] Morgan, *Visible Saints*, 122-23.

[8] Hubbard, *History of New England*, 182. Morgan quotes this passage in *Visible Saints*, 95.

[9] Morgan, *Puritan Dilemma*, 35. "The fact that so many of the ministers approved of the New England enterprise [Winthrop] felt to be a reliable sign of its acceptability to God, for surely God would not 'seduce his people by his owne prophetts' to follow a course contrary to His will." Ibid., 36.

[10] Ibid., 74-75, 87-88, 126-28, 152-56; Perry Miller, *Orthodoxy in Massachusetts*, Kindle loc. 3498-538, 4546-52, 4629-722. The journal of Massachusetts Bay leader John Winthrop abounds with examples of such consultation and clerical influence. E.g., *Winthrop*

Journal, 107, 109, 116, 133, 136-40, 144, 146, 149-50, 158 (examples from December 27, 1633 to November 1, 1635).

[11] Charles Borgeaud, *The Rise of Modern Democracy in Old and New England*, trans. A. Birkbeck Hill (London, 1894), 148.

[12] *Mass. Records*, 1:174.

[13] Ibid., 174-75.

[14] Morgan, *Puritan Dilemma*, 156.

[15] Ibid., 158-62; see also the discussion of and citations to the Massachusetts Bay laws, below.

[16] Nathaniel Ward [Theodore de la Guard, pseud.], *The Simple Cobler of Aggawam . . .* , 4th ed. (London, 1647; repr., Salem, MA: Salem Press, 1906), 2-25.

[17] John Cotton to Lord Saye and Sele, 1636, in *The Puritans: A Sourcebook of Their Writings*, ed. Perry Miller and Thomas H. Johnson (1938; repr., New York: Dover, 2001), 209-10.

[18] *The Charter of the Colony of Massachusetts Bay*, in *The Charters and General Laws of the Colony and Province of Massachusetts Bay . . .* , ed. Nathan Dane, William Prescott, and Joseph Story (Boston, 1814), 8-11, 14 (hereafter cited as *Mass. Laws*); Morgan, *Puritan Dilemma*, 78, 102. The term "court" was "a term used in corporations at the time to describe the totality of stockholders." Stratton, *Plymouth Colony*, 143. "The concept of freeman went back centuries in England to describe one who was not a serf, but who enjoyed the freedom of a town. The term later became expanded and was applied to a shareholder in a corporation." Ibid., 145.

[19] *Mass. Records*, 1:79 (October 19, 1630, General Court), 87 (May 18, 1631, General Court), 95 (May 9, 1632, General Court), 117-18 (May 14, 1634, General Court); *Winthrop Journal*, 34-35, 52n8, 113-14 (April 1, 1634), 116 (May 14, 1634); Andrews, *Colonial Period*, 1:432-44; Morgan, *Puritan Dilemma*, chaps. 7-8; Morgan, *Inventing the People*, 43-46; Perry Miller, *Orthodoxy in Massachusetts*, chap. 7, esp. Kindle loc. 4595-613. On September 2, 1635, the General Court ordered that the deputies be elected by paper ballot. *Mass.*

Records, 1:157. Women could be church members. Morgan, *Visible Saints*, 6. However, no woman was a "freeman" with political rights to vote and hold public office. Morgan, *Inventing the People*, 43; "Index of Freemen, 1631-1641," in *Mass. Records*, 1:471-79.

[20] Morgan, *Visible Saints*, chap. 3. "Outside the church in New England stood not only the mixed multitude of wicked Englishmen and heathen natives, but also the visibly good, who understood and believed the doctrines of Christianity and lived accordingly but who lacked the final experience of grace." Ibid., 120. "The majority of the populace were expected to live quietly under a church system which not only held them without the pale, but insinuated that they were in all probability damned." Perry Miller, *Orthodoxy in Massachusetts*, Kindle loc. 3731-32.

[21] Perry Miller, *Orthodoxy in Massachusetts*, Kindle loc. 4605-6; see also Perry Miller, *Errand into the Wilderness*, 150.

[22] Perry Miller, *Orthodoxy in Massachusetts*, Kindle loc. 4611-12

[23] Morgan, *Visible Saints*, 101-5; Morgan, *Puritan Dilemma*, 74-75, 77-123, 152-56.

[24] JC, *Reply to Mr. Williams*, 38 (*CWRW*, 2:62-63). The "Governor" referred to in the cited page of JC's *Reply* was Thomas Dudley. *CWRW*, 2:63n17 (editorial note).

[25] As quoted in Mather, *Magnalia*, bk. 2, chap. 5, § 1.

[26] Isabel M. Calder, "The Authorship of a Discourse About Civil Government in a New Plantation Whose Design is Religion," *American Historical Review* 37, no. 2 (January 1932): 267-69, http://www.jstor.org/stable/1838211.

[27] John Cotton, *A Discourse about Civil Government Whose* Design *is Religion* (Cambridge, MA, 1662), 14. Some portions of the original edition of this work currently available online are illegible, but this page is legible. Other editions of the work that I have consulted are not entirely accurate.

[28] Brooks Adams, *The Emancipation of Massachusetts*, 514

[29] Brooks Adams, *The Emancipation of Massachusetts*, 251 (footnote omitted).

[30] "[T]he provable elect were a minority, probably no more than one-fifth of the total population." Perry Miller, *Errand into the Wilderness*, 150; Brooks Adams, *The Emancipation of Massachusetts*, 374.

[31] "New England theocracy was taking its stand [against Roger Williams] on grounds no different from those on which the Vatican was built." Perry Miller, "Roger Williams: An Essay in Interpretation," in *CWRW*, 7:19. See also Perry Miller, *Orthodoxy in Massachusetts*, chap. 7, Kindle loc. 4361-62. Lockyer aptly called the Massachusetts Bay system a "theocratic oligarchy . . . ." *Tudor and Stuart Britain*, 505.

[32] Borgeaud, *Rise of Modern Democracy*, 149.

[33] T. S. Eliot, "The Hollow Men" (numerous editions).

[34] The slow demise of the Massachusetts Bay theocracy is discussed in Chapter 9.

[35] E. William Monter, *Studies in Genevan Government* (Geneva: Librairie Droz, 1964), 120 (Europe); Alister E. McGrath, *Reformation Thought: An Introduction*, 4th ed. (Malden, MA: Wiley-Blackwell, 2012), 219-20 (New England). In some ways, it might be said that the Massachusetts Bay Puritans "improved on" the theocracy of John Calvin by making their government even more theocratic than what he was able to accomplish in Geneva.

[36] E. William Monter, *Calvin's Geneva* (1967; repr., Eugene OR: Wipf and Stock, 2012), 144. Although McGrath rejects the nomenclature of "Calvin's Geneva," he observes that Calvin was able to exert substantial influence on the Genevan magistrates: "Calvin's influence over Geneva rested ultimately not in his formal legal standing (which was insignificant) but in his considerable personal authority as a preacher and pastor." McGrath, *Reformation Thought*, 220-21. McGrath appears to have overlooked

the fact, discussed below, that Calvin, as Geneva's chief religious minister, was actually an important governmental official.

[37] John Calvin, *The Institutes of the Christian Religion*, trans. Henry Beveridge (1845; repr., Grand Rapids, MI: Wm. B. Eerdmans, 2001), bk. 3, chaps. 21-24. Cf. Martin Luther, "Preface to Romans" (1522), in *Martin Luther: Selections from His Writings*, ed. John Dillenberger (New York: Anchor Books, 1962), 32; Luther, *The Bondage of the Will*. Although Luther wrote that the study of the doctrine of predestination "requires us to be of the appropriate ability at the right age, and of the due maturity" ("Preface to Romans," 32), Calvin rejected such circumspection, arguing that the doctrine was essential to Christianity and should be taught to all Christians (*Institutes*, bk. 3, chap. 21, § 3). Calvin also wrote that one must not fear disdain in teaching predestination: "I admit that profane men lay hold of the subject of predestination to carp, or cavil, or snarl, or scoff. . . . Nor will they abstain from their jeers when told that little more than five thousand years have elapsed since the creation of the world." Ibid. According to one author, Luther later rejected, at least in part, his early views favoring predestination and denying free will, following the changing viewpoint of his close associate Philipp Melanchthon. Standford Rives, *Did Calvin Murder Servetus?* (Charleston, SC: BookSurge, 1968), Kindle ed., loc. 10200-15 (n. 438), 11159-64 (n. 838). However, Luther never expressly stated that his views on predestination had changed, and there is evidence that they did not change. Gregory B. Graybill, *Evangelical Free Will: Philipp Melanchthon's Doctrinal Journey on the Origins of Faith* (Oxford: Oxford University Press, 2010), 71, 224-26. Similarly, Professor Alister E. McGrath saw the change in Lutheran predestinarian doctrine as occurring more with Melanchthon than with Luther; McGrath also noted the controversy about this issue in Lutheran circles after Luther's death. *Reformation Thought*, 195-97. McGrath added that "later Lutheranism marginalized Luther's

1525 insights into divine predestination, preferring to work within the framework of a free human response to God, rather than a sovereign divine election of specific individuals. For later sixteenth-century Lutheranism, 'election' meant a human decision to love God, not God's decision to elect certain individuals." Ibid., 203-4; see also McGrath, *Justitia Dei: A History of the Christian Doctrine of Justification*, 3rd ed. (Cambridge: Cambridge University Press, 2005), 218-48; Rives, *Calvin*, Kindle loc. 3619-22, 3628-29, 11159-64 (n. 838). Nevertheless, debates over predestination have continued in recent times among American denominations of Lutheranism, with at least one American denomination insisting on Luther's original teaching. L. DeAne Lagerquist, *The Lutherans* (Westport, CT: Greenwood, 1999), Kindle ed., loc. 1607-16, 3019-28, 3050-57. Whatever may be the case with Luther and his followers, however, it is quite clear that Calvin never altered his own strict predestinarian doctrine. In fact, he eventually severely criticized Melanchthon for departing from the doctrines of bondage of the will and predestination. Graybill, *Evangelical Free Will*, 227-28, 249-50, 311.

[38] Calvin, *Institutes*, bk. 3, chap. 21, § 4. Calvin specifically discussed the relationship between predestination and the Reformation doctrine of "justification by faith" in another writing: "While the elect receive the grace of adoption by faith, their election does not depend on faith but is prior in time and order. As the beginning of faith and perseverance in it arises from the gratuitous election of God, none are truly illuminated with faith, and none granted the spirit of regeneration, except those whom God elects. . . . While we are elected in Christ, nevertheless that God reckons us among his own is prior in order to his making us members of Christ." "Articles concerning Predestination," in *Calvin: Theological Treatises*, trans. and ed. J. K. S. Reid (Philadelphia: Westminster Press, 1954), 179. This is also the position that was taken by Luther in somewhat different terms: "In chapters 9, 10, and 11 [of Romans], Paul deals with the eternal

providence of God. It is by this providence that it was first decided who should, and who should not, have faith; . . . . This is a matter which is taken out of our hands, and is solely at God's disposal . . . ." Luther, "Preface to Romans," 32; see also Luther's *Bondage of the Will*, which details his argument that human beings lack any free will with regard to the question of their salvation. As discussed in the preceding note, the evidence is ambiguous as to whether Luther later tacitly modified his position on these issues in conjunction with the theological evolution of his friend and ally Melanchthon.

[39] LaPlante, *American Jezebel*, chaps. 1, 3-5, 7-9, 11-14; Morgan, *Visible Saints*, 109; Morgan, *Puritan Dilemma*, chap. 10. LaPlante accurately explains the conflict that led to Hutchinson's banishment:

> "Sanctification is *evidence of* justification," the [Massachusetts Bay] orthodox ministers told their congregations. In other words, if you follow the rules and laws of church and state, then you can have assurance that you are elect and thus saved. This causal link between sanctification (doing good works) and justification (being saved) was not consistent with the writings of Luther and Calvin—they would have considered it heretical in light of their doctrine that people can do nothing to earn or effect their own salvation—but it was for the leaders of Massachusetts an appealing theological conceit. To create their new society, the founders were naturally drawn to a theology that enforces obedience. Anne Hutchinson openly rejected this view of salvation, deriding it as a covenant of works. In her view, only God's grace can bring justification; hence her covenant of grace.

LaPlante, *American Jezebel*, Kindle loc. 1061-68 (paragraph break omitted).

[40] Calvin, *Institutes*, bk. 4, chap. 20, § 9. Professor David Little sees a contradiction between Calvin's very explicit support of governmental enforcement of the First Table expressed in this section of the *Institutes* and Calvin's commentaries regarding Romans 13:5 and 13:10. Little, "Roger Williams and the Puritan Background of the Establishment Clause," in Gunn and Witte, *No Establishment*, 109, 122nn58-61). However, considering Calvin's very clear statements in the cited section of the *Institutes* as well as his other statements and actions discussed below, I do not think there can be any doubt about Calvin's teaching that government must enforce the First Table. Moreover, as discussed below, John Cotton specifically cited Calvin's procurement of the execution of Michael Servetus for heresy to support Cotton's argument that government should punish breaches of the First Table. Calvin's commentary on Romans 13:10 actually addressed another question. Although his commentary on Romans 13:5 was somewhat more to the point, it is probable, given Calvin's very clear stance elsewhere on this issue, that he was referring to Roman Catholic persecution of Protestants, as distinguished from punishment by the "true religion" (Calvin's version of Protestantism) of breaches of the First Table. In reaching these conclusions, I have used the following translation of Calvin's commentaries (different from the translation cited by Little): Calvin, *Commentaries on the Epistle of Paul the Apostle to the Romans*, trans. John Owen, in *The Complete Biblical Commentary Collection of John Calvin*, Kindle ed., loc. 449224-33 (commentary on Rom. 13:5), 449317-25 (commentary on Rom. 13:10). In any event, Calvin's actions, discussed and documented below, speak much more loudly than his vague language in these commentaries, however translated.

[41] Calvin, *Institutes*, bk. 2, chap. 8, §§ 10-34.

[42] Williams accepted the orthodox Calvinist doctrine of predestination. E.g., *GFDB*, 120, 208, 473-75 (*CWRW*, 5: 120, 208, 473-75).

[43] William G. Naphy, *Calvin and the Consolidation of the Genevan Reformation* (Louisville: Westminster John Knox Press, 1994).

[44] Ibid., 12-43, 45n35, 47n69, 51n155; Monter, *Calvin's Geneva*, 29-63, 69, 144-64. For an in-depth analysis of the structure and administration of Genevan government during the time of Calvin's residence there, see Monter, *Studies in Genevan Government*, chaps. 2-3.

[45] Naphy, *Calvin*, chaps. 1-7.

[46] Ibid., esp. 184-85, 222-32. See also Robert M. Kingdon, Thomas A. Lambert, and Isabella M. Watt, eds., W. Wallace McDonald, trans., *Registers of the Consistory of Geneva in the Time of Calvin*, vol. 1, *1542-1544* (Grand Rapids, MI: William B. Eerdmans, 2000), Kindle ed. (hereafter cited as *Registers of Geneva Consistory*). "Calvin conceived of the Consistory primarily as an instrument for the 'policing' of religious orthodoxy. It was the guarantor of the discipline which Calvin's experience at Strasbourg had led him to recognize as essential to the survival of reformed Christendom. Its primary function was to deal with those whose religious views were sufficiently devious [deviant] to pose a threat to the established religious order at Geneva." McGrath, *Reformation Thought*, 156.

[47] Monter, *Calvin's Geneva*, 55-56; Naphy, *Calvin*, 20.

[48] Monter, *Calvin's Geneva*, 56; Naphy, *Calvin*, 27; *Calvin: Theological Treatises*, 25-33, 47.

[49] Monter, *Calvin's Geneva*, 66-67; Naphy, *Calvin*, 27-43.

[50] Monter, *Calvin's Geneva*, 71; Naphy, *Calvin*, 53; *Calvin: Theological Treatises*, 56-72.

[51] Naphy, *Calvin*, 34; cf. Monter, *Calvin's Geneva*, 156.

[52] Monter, *Calvin's Geneva*, 10-11; Naphy, *Calvin*, 93, 99, 108, 179.

[53] Monter, *Calvin's Geneva*, 136-39, 161; Naphy, *Calvin*, 109-11, 123, 189; Lambert and Watt, introduction to *Registers of Geneva Consistory*, Kindle loc. 123-295; *Registers of Geneva Consistory*, Kindle loc. 475-5092 passim.

[54] Rives, *Calvin*, Kindle loc. 98-103, 6069-79, 10996-1002 (n. 770).

[55] Calvin's commentaries on Deuteronomy 13:5 and 13:9, in Calvin, *The Harmony of the Law: Commentaries on the Four Last Books of Moses*, trans. Charles William Bingham, in *Complete Biblical Commentary Collection of John Calvin*, Kindle loc. 42282-371, 42500-42510. In his commentary on Deuteronomy 13:5, Calvin stated, among other things, that "God might, indeed, do without the assistance of the sword in defending religion; but such is not His will." Ibid., Kindle loc. 42316-17. Calvin qualified his teaching by stating that God "does not condemn to capital punishment those who may have spread false doctrine, only on account of some particular or trifling error, but those who are the authors of apostasy, and so who pluck up religion by the roots." Ibid., Kindle loc. 42294-96. Whatever this means, Calvin's words and actions in the Servetus affair (discussed below) and thereafter demonstrate that he supported capital punishment for heretics as well as blasphemers, thereby departing from a fundamental distinction between heresy and blasphemy that was earlier an essential part of Protestant doctrine. Rives, *Calvin*, Kindle loc. 252-358, 1491-528.

[56] Roland H. Bainton, *Hunted Heretic: The Life and Death of Michael Servetus, 1511-1553*, rev. ed., ed. Peter Hughes (Providence, RI: Blackstone Editions, 2005), Kindle ed., chaps. 9-11; Rives, *Calvin*, chaps. 1-3, 5, 10, 18-20, 23-24, 26-28, 32, and app. A and B; Monter, *Calvin's Geneva*, 83; Naphy, *Calvin*, 182-84; Lawrence and Nancy Goldstone, *Out of the Flames: The Remarkable Story of a Fearless Scholar, a Fatal Heresy, and One of the Rarest Books in the World* (New York: Broadway Books, 2008), chap. 13.

[57] E.g., Christopher Elwood, *Calvin for Armchair Theologians* (Louisville, KY: Westminster John Knox Press, 2002), 133-39. Although Elwood, a Professor of Historical Theology, acknowledges some of the main facts regarding Calvin's involvement in Servetus's prosecution and execution, he attempts to mitigate Calvin's guilt by using arguments from the twentieth-century doctrine of historical relativism: "An additional reason for

Calvin's not coming off terribly well in this affair has less to do with him and more to do with us. That is, we likely hold Calvin to standards set by values common to our own time." Ibid., 137. Considering the historical context in which Calvin lived "probably will not cause us to see a kinder and gentler Calvin in the man who served as Servetus's main accuser. But it might help us to see him as a man of his time." Ibid., 138. Thus, Calvin is saved from ultimate condemnation by the use of historicist arguments that were not in vogue until centuries after his lifetime. Calvin himself would have rejected any such defense. Rather, he would have argued that it is God's will that heretics be put to death and that he was only implementing God's will. Calvin was not merely "a man of his time." He was a force that shaped both his time and the decades and centuries to come.

[58] Calvin to Farel, August 20, 1553, in *Letters of John Calvin*, vol. 2, ed. Jules Bonnet, trans. [David Constable?] (Edinburgh, 1857), 399. Calvin stated in another letter that "[w]e endeavoured to alter the mode of [Servetus's] death, but in vain." Calvin to Farel, October 26, 1553, in ibid., 418.

[59] Calvin to Antistes Sulzer, September 8, 1553, in ibid., 410.

[60] Rives, *Calvin*, Kindle loc. 435-45 and chap. 13; Bainton, *Hunted Heretic*, chap. 8.

[61] TJ to William Short, April 13, 1820, in *Memoir, Correspondence, and Miscellanies, from the Papers of Thomas Jefferson*, 2nd ed., ed. Thomas Jefferson Randolph (Boston, 1830), vol. 4, Letter 151, accessed June 23, 2013, http://www.gutenberg.org/files/16784/16784-h/16784-h.htm#link2H_4_0151; TJ to Dr. Benjamin Waterhouse, July 19, 1822, in *The Works of Thomas Jefferson*, federal ed., ed. Paul Leicester Ford (New York: G. P. Putnam's Sons, 1904-5), vol. 12, Liberty Fund, Inc.: Online Library of Liberty, accessed December 22, 2012, http://oll.libertyfund.org/title/808/88430.

[62] Rives, *Calvin*, Kindle loc. 6198-216; Naphy, *Calvin*, 103-4.

[63] Monter, *Calvin's Geneva*, 128-29, 131; Naphy, *Calvin*, 171-72; Rives, *Calvin*, Kindle loc. 6219-23.

[64] Naphy, *Calvin*, 67; see also Rives, *Calvin*, Kindle loc. 6189-97.

[65] Rives, *Calvin*, Kindle loc. 6197-98, citing Stefan Zweig, *The Right to Heresy: Castellio against Calvin*, trans. Eden Paul and Cedar Paul (New York: Viking: 1936), 230.

[66] Perry Miller, *Errand into the Wilderness*, Chap 3; LaPlante, *American Jezebel*, Kindle loc. 1042-74.

[67] JC, *The Answer of Mr. John Cotton of Boston in New-England, to the Aforesaid Arguments against Persecution for Cause of Conscience . . .* , in RW, *BT*, 14 (*CWRW*, 3:52).

[68] Perry Miller, *Errand into the Wilderness*, 144; Taylor, *American Colonies*, 181.

[69] RW to John Winthrop Jr., ca. early August 1651 and ca. late August 1651, in *CRW*, 1:332-36; Clarke, *Ill Newes from New-England*. See also Chapters 6 and 8 of the present book regarding Massachusetts Bay's persecution of Baptists and Quakers.

[70] "The government of Massachusetts, and of Connecticut as well, was a dictatorship, and never pretended to be anything else; it was a dictatorship, not of a single tyrant, or of an economic class, or of a political faction, but of the holy and regenerate." Perry Miller, *Errand into the Wilderness*, 143.

[71] *Mass. Laws*, 100-5, 120-26, 129. To cite only one of a multitude of examples of the General Court's obsession with religious issues, it authorized, on March 4, 1634, any two assistants (governmental officials) to enforce compulsory church attendance by fine or imprisonment, at their discretion. *Mass. Records*, 1:140. For a further discussion of such laws and the historical application of theocratic principles in Massachusetts Bay, see Morgan, *Puritan Dilemma*, 75, 87-88, 107-63, 185-90.

[72] John Winthrop, *A Model of Christian Charity* (1630; repr., New York: Evergreen Review, 2009), Kindle ed., loc. 258-305; Perry Miller, *Errand into the Wilderness*, 5 (civil government, for Winthrop,

"would have, at the very beginning of its list of responsibilities, the duty of suppressing heresy, of subduing or somehow getting rid of dissenters—of being, in short, deliberately, vigorously, and consistently intolerant"); Taylor, *American Colonies*, 178-79, 181-82; William Lee Miller, *The First Liberty: America's Foundation in Religious Freedom*, Expanded and updated (Washington, D.C.: Georgetown University Press, 2003), Kindle ed., Kindle loc. 2394-2400; Barry, *Roger Williams*, 151, 388; LaPlante, *American Jezebel*, Kindle loc. 2250-52. "It was fear of God's wrath that prompted many Puritans to leave for the New World before England should suffer the fate of Sodom and Gomorrha." Edmund S. Morgan, introduction to *Puritan Political Ideas, 1558-1794*, ed. Edmund S. Morgan (1965; repr., Indianapolis: Hackett, 2003), xxii (citing a May 1629 letter from John Winthrop to his wife). See also Morgan, *Puritan Dilemma*, 22-26, 28, 35-36, 140 (Anne Hutchinson's "meetings were a fountain of dissension and separatism for which the community was liable to punishment by the Lord"), 141 ("Winthrop and his colleagues believed that the Lord would punish Massachusetts if they *did not* punish Hutchinson"), 145 (Massachusetts Bay "would be a new Israel, where men might worship as God commanded and only as He commanded"). The "chosen people" trope went back several decades before the 1630 Puritan emigration to New England: "From about 1570 onward, the theme of 'election' came to dominate Reformed theology, and allowed an easy identification of the Reformed congregations with the people of Israel. Just as God had once chosen Israel, so he had now chosen the Reformed congregations as his people." McGrath, *Reformation Thought*, 199; see also Braddick, *God's Fury*, 48-49; Woodard, *American Nations*, 57-58. "There was nothing new in the detection of parallels between Israelite and English history. They had been almost a Tudor commonplace. But the Puritan Revolution brought them to a higher pitch." Worden, *God's Instruments*, 57.

[73] Perry Miller, editorial note, *The American Puritans: Their Prose and Poetry*, ed. Perry Miller (New York: Columbia University Press, 1956), 143; cf. Perry Miller, *Errand into the Wilderness*, chap 3.

[74] Perry Miller, *Orthodoxy in Massachusetts*, chap. 3. For the theocratic views, practices, and laws of Plymouth, see Bailyn, *Barbarous Years*, chap. 11, esp. 321 ("the Pilgrim leaders feared toleration, which they correctly saw would destroy their entire project, both church and sanctified society") and 6610-11 (prosecutions for blasphemy); Bradford, *Of Plymouth Plantation*, chap. 15, esp. 162, Kindle loc. 3644-46 ("every Lord's Day some are appointed to visit suspected places, and if any be found idling and neglect the hearing of the Word (through idleness or profaneness), they are punished for the same"); *Plymouth Laws*, 92, 93, 96, 99, 101-4, 106-7, 113-14, 122-23, 125-27, 130-31, 138, 142-43, 147, 157-58, 159-60, 161, 175-76, 186-88, 199, 241-44, 247-48, 268-71; Stratton, *Plymouth Colony*, 89-101 (summarizing Plymouth's promulgation and enforcement of theocratic laws, often as the result of pressure from Massachusetts Bay, including the whipping, fining, jailing, and banishment of Quakers, similar persecution of Baptists, and compulsory tithing for support of government-approved ministers); *CWRW*, 4:52n (editorial note by Samuel L. Caldwell regarding the Plymouth General Court's June 4, 1650 presentation of Baptist Obadiah Holmes for private meetings on Sundays, referencing *Plymouth Records*, 2:162). Bailyn cites (*Barbarous Years*, Kindle loc. 11208-9) a November 24, 1645 letter from Edward Winslow (a Plymouth governmental official) to John Winthrop (then deputy governor of Massachusetts Bay), which discusses a proposal, backed by most of the town deputies at the Plymouth General Court, "[t]o allow and maintaine full and free tollerance of religion to all men that would preserve the Civill peace, and submit unto Government. And there was no limitacion or excepcion against Turke Jew Papist Arian Socinian Nicholaytan Familist or any other etc." *Winthrop Papers*,

5:56. Governor Bradford, Winslow, and others "expressed the sad consequences [that] would follow" if this principle became the law of Plymouth. Ibid. Although this bill "was required according to order to be voted," Governor Bradford "would not suffer it to come to vote as being that indeed would eate out the power of Godlines etc." Ibid. This incident is also discussed in Stratton, *Plymouth Colony*, 81, 155.

[75] Perry Miller, *Errand into the Wilderness*, chap. 2.

[76] "The Fundamental Agreement or Original Constitution of the Colony of New-Haven," June 4, 1639, in *The Founders' Constitution*, ed. Philip B. Kurland and Ralph Lerner, 5 vols. (Indianapolis: Liberty Fund, 1987), 5:45-46; Cogan, *The Complete Bill of Rights*, 13-14 (text of New Haven Code, 1655); Morgan, *Visible Saints*, 108; Andrews, *Colonial Period*, 2:156-58.

Appendix C: Land Distribution and Freemanship in Seventeenth-Century Providence

[1] Cronon, *Changes in the Land*, 72-74 (quotation at 74); Eggleston, "Land System of the New England Colonies," 27, 50-52; Akagi, *Town Proprietors*, 2-5, 9-13, 18-21, 46-49, 85-92, 103-114.

[2] Eggleston, *Land System of the New England Colonies*, 36-42; Akagi, *Town Proprietors*, 2-5, 46-55, 73-77, 112-13.

[3] The present book relies mostly on primary sources for information about the acquisition of Narragansett land and its distribution to others. Occasionally, secondary sources are helpful for interpretative purposes. I occasionally cite Henry C. Dorr's *Proprietors of Providence*. Although I agree with Dorr's monograph on some matters, I do not agree with many of his other purported facts and interpretations. For example, among other errors, Dorr assumed that Williams was totally ignorant about English land law, notwithstanding the proven fact (well known long before Dorr wrote) that he was a law clerk to the most famous English real

property lawyer of all time, Sir Edward Coke. Contrast Chapter 1 and Appendix A of the present book with Dorr, *Proprietors of Providence*, 4, 6-7, 13-14. In his writing, Williams evidenced familiarity with legal concepts and documents, including, apparently, a contextual reference to his employment with Coke. E.g., RW, *GFDB*, 149-50 (*CWRW*, 5:149-50) ("we use[d] to say"). Strangely, in his earlier *Planting and Growth of Providence*, Dorr was much more careful in his use and interpretation of primary sources.

[4] RW to John Winthrop, before August 25, 1636, in *CRW*, 1:54; June 10, 1638 Town record, in *ERP*, 1:4-5 and *ERP*, 17:20; RW confirmation deed, December 20, 1661, in ERP, 5:307-8; Joshua Veren [*sic*] to Town of Providence, November 21, 1650, in *ERP*, 15:37; Chapin, *DHRI*, 1:28-30, 75-76; Brockunier, *Irrepressible Democrat*, 105-6 (citing some of the aforesaid primary sources). I disagree with Brockunier's assertion earlier on page 105 of his book that Williams made a "covenant" with others before he left Salem. Brockunier cited Williams's letter before August 25, 1636, to Winthrop, but Williams merely stated in that letter that "I never made any other Covenant with any person, but that if I got a place, he should plant there with me . . . ." *CRW*, 1:54; cf. CWRW, 6:6 (cited by Brockunier, but the same except for capitalization). Williams later wrote that "it is not true that I was imployed by any, made Covenant with any, was supplied by any, or desired any to come with me to these parts." RW to an Assembly of Commissioners, November 17, 1677?, in CRW, 2:750. Brockunier's similar reference on page 105 of his book to Williams's alleged statement "in the first grant equal to myself" is based on a misquotation of Williams's words in Carpenter, *Roger Williams*, 224. Williams's actual words are the opposite of the meaning that Brockunier ascribed to the misquoted words in Carpenter's *Roger Williams*. RW to an Assembly of Commissioners, November 17, 1677?, in CRW, 2:750 ("But to what Could any of these pretend to be put in the grant, aequal to my selfe? I promised W. Har. land and others if it

Pleased God to vouchsafe it me. But God furnished my selfe with, or by advantages which W. Har. nor Scarce any in N. Engl. had").

[5] October 8, 1638 Pawtuxet agreement, in *ERP*, 15:31; RW to an Assembly of Commissioners, November 17, 1677?, in CRW, 2:751; Chapin, *DHRI*, 1:79-80. A cow was then worth between twenty and thirty pounds. Dorr, *Planting and Growth of Providence*, 58; *Winthrop Journal*, 200.

[6] RW's writings regarding the October 8, 1638 agreements with the twelve Providence men in *ERP*, 3:90-91, 5:306-9, 15:31, 86; Deposition of RW, February 7, 1677/78, in Chapin, *DHRI*, 1:68-69; James, *Colonial Rhode Island*, 54-55, 72, 74, 78-79; Alan Simpson, "How Democratic Was Roger Williams?," *William and Mary Quarterly*, 3rd ser., 13, no. 1 (January 1956): 53-67, http://www.jstor.org/stable/1923389.

Simpson was among those who disagreed with the view of Brockunier and others that Williams was an "irrepressible democrat." E.g., Brockunier, *The Irrepressible Democrat*, chap. 8 passim. Brockunier interpreted the primary sources anachronistically in order to support his thesis. Ibid. Sometimes, as discussed above, Brockunier actually took statements in the primary sources out of context or relied on faulty transcriptions of the primary sources. Although I disagree in some details with Simpson's analysis, much of his article was correct, including the following:

> So far as the political order was concerned, Williams had really only one revolutionary statement to make. He denied that the state had any responsibility for the only form of life which has absolute importance—the life of the soul—and he set himself the infinitely difficult task of convincing his contemporaries that this was consistent with Scripture, reason, and experience.

Ibid., 55.

James similarly concluded that although the early Rhode Island communities contained elements of democracy, constitutional guarantees of individual freedom, limited government, and popular sovereignty, "[o]nly the dedication to freedom of religion and its corollary, separation of church and state, were truly radical concepts. Goals of Williams and his followers, they were at first only expedients in the island towns, but soon became the grand principles, the anchor and hope and purpose, for the colony." *Colonial Rhode Island*, 72, 74.

[7] RW to an Assembly of Commissioners, November 17, 1677?, in *CRW*, 2:751.

[8] Ibid.

[9] RW Deed to James Ellis, November 7, 1658, in *ERP*, 3:111.

[10] RW confirmation deed, December 20, 1661, in ERP, 5:308.

[11] This summary is based on the primary-source evidence cited in this section. Alan Simpson arrived at essentially the same conclusions, though his assertion that Williams found nothing objectionable in the twenty-five-acre apportionment, discussed below, is questionable. "How Democratic Was Roger Williams?," 65-66; cf. RW to Thomas Hinckley and a Special Court of Commissioners, June 18, 1678, in *CRW*, 2:761. Williams may have obtained his legal knowledge of trusts from his years working for Sir Edward Coke. During that time, Williams may even have read a famous case on trusts, reported by Coke, in which a trust established for the benefit of a school and maintenance of a preacher and four poor people was funded by land devised in a will. The yearly profit from the land increased from thirty-five pounds (at the time the trust was established) to one-hundred pounds (at the time of the case). The House of Lords (the final court of appeals in the English judicial system) referred the case to the two chief justices (including Coke) and Justice Walmsey. This tribunal held

that the revenue and profit of the said lands should be employed to the increase of the stipend to the original beneficiaries of the trust and that any surplusage should be expended "for the maintenance of a greater number of Poor, &c. and **nothing should be converted by the Devisees [the trustees] to their own uses**." *The Case of Thetford School, &c.*, 7 James 1, 8 Co. Rep. 130b (1609) (emphasis added), in *Coke Selected Writings*: 1:284-86. Although Williams's grant authorized the enfranchised householders to "Enjoy[]" (use) for their own purposes at least a portion of the land granted to them, the principles of trust law evidently also informed his purpose.

[12] Eggleston, *Land System of the New England Colonies*, 41.

[13] *ERP*, 3:90 (emphasis added); cf. *ERP*, 15:86.

[14] Rhode Island historian Sidney Rider observed:

> The towns first planted in Rhode Island were planted entirely upon the communistic theory of landholding; no such thing as an individual ownership existed. Lands were assigned for occupancy and cultivation to such individual settlers as the people were willing to admit by the town meetings. It was so at Providence in 1636; it was so at Newport in 1638; it was so at Warwick in 1647. Men sold each other what they had themselves placed upon the land, but the transfer of the occupation of the land was at first an act of the town meeting. In Providence a man to whom had been assigned land upon which he did not build was liable to have the land taken from him and assigned to another. . . .
>
> . . . .
>
> The essential principle of landholding in all these towns was that no man could hold land for the oppression or taxation of another man; no land could be seized and held for speculation or for profit out of persons desiring to use it for the welfare of themselves and of the community of which they were a part.

Rider, *Forgeries Connected with the Deed*, 11, 15; cf. James, *Colonial Rhode Island*, 78-80. I am not too sure about Rider's use of the term "communistic": he wrote this in 1896, more than twenty years before the Bolshevik revolution in Russia, and the approach to landholding in the early Rhode Island communities was not exactly Marxist.

[15] Fischer, *Albion's Seed*, 168n2.

[16] Cornelius J. Moynihan, *Introduction to the Law of Property: An Historical Background of the Common Law of Real Property and Its Modern Application* (St. Paul, MN: West, 1962), 1-32; Frederick Pollock and Frederic William Maitland, *The History of English Law Before the Time of Edward I*, 2nd ed., 2 vols. (1898; repr., Indianapolis: Liberty Fund, n.d.), 2:20. Thomas Jefferson later took the position that American land should be governed by the pre-Conquest allodial land system of the Saxons. He argued that the king had no right to dispose of American lands, because William II of Normandy had never conquered America. *A Summary View of the Rights of British America*, 1774, in *Jefferson: Writings*, 118-20; TJ to Edmund Pendleton, August 13, 1776, in ibid., 751.

[17] Coke, *First Part of the Institutes of the Laws of England*, chap. 1, § 1, 1:1.a; Pollock and Maitland, *History of English Law*, 1:20; Moynihan, *Law of Real Property*, 1:32; RW confirmation deed, December 20, 1661, in ERP, 5:308; RW Deed to James Ellis, November 7, 1657, in *ERP*, 3:111-12; Robert Williams Deed to John Scott, February 8, 1665, in *ERP*, 14:9; RW Deed to Richard Arnold, February 24, 1674/75, *ERP*, 20:121. Rider's statement that "[n]o man then knew of an estate in fee simple," referring to the time period of the early settlement of Providence, is certainly incorrect. Rider, *Forgeries Connected with the Deed*, 11. As discussed above, fee simple estates had existed since the thirteenth century, and Coke had

treated them in the very first section of his famous *Commentary on Littleton*, published in 1628. It should be observed that a June 10, 1638 Providence Town record confirming certain interests in "portions of grasse & medow" (*ERP*, 1:4-5, 17:20) does use something like the mandatory fee simple language with regard to ten of the twelve householders (other than Williams) in the October 8, 1638 documents, but it is not clear whether these are the same land interests that are the subject of the October 8, 1638 documents.

[18] *ERP*, 3:90; cf. *ERP*, 15:86.

[19] Agreement regarding Pawtuxet, October 8, 1638, as authenticated by various Providence officials, in *ERP*, 15:31; Merriam-Webster Unabridged Dictionary Online, s.v. "impropriate (transitive verb)" and "appropriate (transitive verb)," accessed October 25, 2014, http://unabridged.merriam-webster.com/unabridged/impropriate and http://unabridged.merriam-webster.com/unabridged/appropriate.

[20] Dorr, *Proprietors of Providence*, 19-20; cf. Richman, "The Land Controversies of William Harris," in *RIHS Collections*, 10:11 ("On October 8th [1638], Williams, in response to a demand by Harris, executed a deed and joined in an agreement whereby there was conveyed to the latter, along with twelve others, an absolute property in the Pawtuxet purchase").

[21] RW to an Assembly of Commissioners, November 17, 1677?, in CRW, 2:750-51; RW to Hinckley and a Special Court of Commissioners, June 18, 1678, in *CRW*, 2:761.

[22] *ERP*, 5:296.

[23] *Ibid.*; Chapin, *DHRI*, 1:59.

[24] *ERP*, 4:70-71; cf. Rider, *Forgeries Connected with the Deed*, 17-26, 48-51, 47-58.

[25] Dorr, *Proprietors of Providence*, 5; cf. Harris to Court, October 15, 1677, in *RIHS Collections*, 10:199 ("we that came with Mr Williams should have bin with him in the first grant & price"

from the Narragansett sachems, "but he only put in himself [in the Narragansett deed]").

[26] RW to Hinckley and a Special Court of Commissioners, June 18, 1678, in *CRW*, 2:761.

[27] Chapin observed that one of the signatories to the nonfreemen subscription, William Reynolds, "had previously been granted land, but had not been admitted a proprietor in 1638." Chapin, *DHRI*, 1:97. See also *ERP*, 1:3, which lists, in the second year of the Providence plantation, William Reynolds, William Carpenter, Benedict Arnold, Francis Weeks, Thomas Angell, Mrs. Daniell, and Mary Sweet as being charged two shillings each for "Ground at present Granted to them . . . ." Of these, only William Carpenter was included as a householder in the October 8, 1638 documents. Alice Daniell and Mary Sweet were widows. Chapin, *DHRI*, 1:71, 78. See also Chapin, " Lands and Houses," in *RIHS Collections* 12:3-8 passim. As observed above, Williams rejected the term "proprietor" for the original thirteen householders; he considered them "feoffees" for the public interest. Chapin used the term "Proprietor" as meaning those admitted to the franchise, *DHRI*, 1:97, and "those who were entitled to full rights in the common land, the class which later became known as 'Proprietors.'" "Lands and Houses," 2. James called "purchasers or proprietors" the first settlers of each community, who "secured rights that others, in theory, could not get." *Colonial Rhode Island*, 79. The so-called proprietors in Providence—other than Williams—wanted, in essence, to become a landed aristocracy. Williams, in contrast, "wanted to keep the town open for victims of religious persecution. To do this he espoused an egalitarian social policy: let everyone who was admitted have the same shares of land—a package of allocations including a house lot, meadow, crop land, and privileges to use the commons. His earliest companions, however, wanted special consideration." Ibid., 78. For a general discussion of land law in colonial America and how it differed from English

land law, see Lawrence M. Friedman, *A History of American Law*, 3rd ed. (New York: Touchstone, 2005), 24-29.

[28] The January 19, 1646 subscription of what became known as the "25 acre men" is at *ERP*, 2:29. See also RW to Hinckley and a Special Court of Commissioners, June 18, 1678, in *CRW*, 2:761-62, 763n4; RW to the Town of Providence, ca. early 1661/62, in *CRW*, 2:525-26; Chapin, *DHRI*, 1:236-38.

[29] Williams indicated in his June 18, 1678 letter to Hinckley and the Special Commissioners that the 25 acre men eventually "Came to priviledge of aequall ordering of all Town Affairs," which evidently meant that they were admitted to the franchise. *CRW*, 2:761-62.

[30] *ERP*, 2:112.

[31] Dorr, *Proprietors of Providence*, 78.

Appendix D. Roger Williams and John Locke

[1] TJ to John Trumbull, February 15, 1789, in *Jefferson: Writings*, 939-40.

[2] This famous work of Locke's political philosophy has been published in many paper and electronic editions, including in John Locke, *Two Treatises of Government*, ed. Peter Laslett (Cambridge: Cambridge University Press, 1988), student ed., 265-428. Citations are to this student edition, as Laslett's critical edition does not appear to be in print at the time of this writing. For the critical edition, see John Locke, *Two Treatises of Government*, critical ed., ed. Peter Laslett (New York: Mentor, 1960), and reprints. Although the first edition of the *Two Treatises of Government* bears the date of 1690, it was actually published in the autumn of 1689. Mark Goldie, "Chronology," in *John Locke: Selected Correspondence*, ed. Mark Goldie (Oxford: Oxford University Press, 2002), xxxv.

[3] Julian P. Boyd, *The Declaration of Independence: The Evolution of the Text*, rev. ed., ed. Gerard W. Gewalt (Washington, D.C.:

Library of Congress, 1999), 25-28, 59-60 (analysis of the language of Jefferson's original draft before it was modified by others); *Journals of the Continental Congress*, 5:491-92 and editorial note at 491n1.

[4] TJ to Henry Lee, May 8, 1825, in *Jefferson: Writings*, 1501.

[5] TJ to JM, August 30, 1823, in *Jefferson-Madison Correspondence*, 3:1876.

[6] Ramsay, *History of the United States*, 1:155n.

[7] Winthrop S. Hudson, "John Locke—Preparing the Way for the Revolution," *Journal of Presbyterian History* 42, no. 1 (March 1964): 28, http://www.jstor.org/stable/23325873.

[8] Ibid., 28-37. It should be noted that I do not necessarily agree with all of Hudson's analysis. To take just one example, his account of New England Puritanism glosses over the indisputable historical facts set forth in chapters 2 and 9, above.

[9] William Lee Miller, *The First Liberty*, Kindle loc. 2332-36.

[10] Edwin S. Gaustad, *Sworn on the Altar of God: A Religious Biography of Thomas Jefferson* (Grand Rapids, MI: William B. Eerdmans, 1996), 72.

[11] James Calvin Davis, introduction to *On Religious Liberty*, 40.

[12] Hall, *Separating Church and State*, 118-24, 137n.8.

[13] Ibid., 137n8.

[14] Ibid., 118.

[15] Ibid., 118-24.

[16] See Chapter 7, *supra*.

[17] Winslow, *Master Roger Williams*, 87-88; Peter Laslett, "John Locke and His Books," in *The Library of John Locke*, 2d ed., ed. John Harrison and Peter Laslett (Oxford: Oxford University Press, 1971), 5-10; Alexander Campbell Fraser, "Prolegomena, Biographical, Critical, and Historical" to *An Essay Concerning Human Understanding*, by John Locke, ed. Alexander Campbell Fraser, 2 vols. (New York: Dover, 1959), 1:xxxix. Locke lived at Otes, "in the bosom of the Masham family," with occasional

trips to London, from early 1691 until his death in 1704. Fraser, "Prolegomena," 1:xxxix. Sir Francis Masham was the son of a Sir William Masham who was the son of the Sir William Masham whom Williams knew. Family Search: Community Trees, "Sir Francis Masham, Baronet" (ca. 1646-1723), accessed April 27, 2013, http://histfam.familysearch.org/getperson.php?personID=I185147&tree=Nixon; ibid., "Sir William Masham" (ca. 1617-?), accessed April 27, 2013, http://histfam.familysearch.org/getperson.php?personID=I185142&tree=Nixon; ibid., "Sir William Masham, Baronet," (ca. 1592-ca. 1656), accessed April 27, 2013, http://histfam.familysearch.org/getperson.php?personID=I33014&tree=Nixon.

[18] A copy of the letter from Sir William Masham and other members of House of Commons is reproduced in *RIHS Collections* 4 (1838): 226-27. See also the beginning of Chapter 7, *supra*.

[19] Mark Goldie (Locke scholar at Churchill College, University of Cambridge), e-mail message to author, June 12, 2013 (Locke did not visit Oates before writing the *Letter Concerning Toleration*); Goldie, "Chronology," in *Locke: Selected Correspondence*, xxxv; Goldie, editorial note, in ibid., 74; Goldie, introduction to Locke, *Letter Concerning Toleration*, xi; Roger Woolhouse, *Locke: A Biography* (Cambridge: Cambridge University Press, 2007), 230-31, 270, 274.

[20] Harrison and Laslett, *Library of John Locke,* 67-267.

[21] Laslett and Harrison, preface, in ibid., vi-vii; Laslett, "John Locke and His Books," 2-4, 11, 28, 50-54, 57; Richard Ashcraft, *Revolutionary Politics & Locke's "Two Treatises of Government"* (Princeton: Princeton University Press, 1986), 165n145 ("Locke's library included more than 600 pamphlets and tracts stored loosely in boxes, only a very small proportion of which were included as specific titles in his library catalog," citing Laslett, "John Locke and His Books," 51-54).

[22] Laslett, "Addendum to Introduction, 1987," in Locke, *Two Treatises of Government*, 125.

[23] Laslett, "John Locke and His Books," 2, 4, 5. Laslett specifically discussed the borrowing and lending of books (not always recorded) between Locke and Shaftesbury in Laslett's "Introduction" and "Addendum to Introduction" to Locke, *Two Treatises of Government*, 59, 124-25.

[24] *Bibliotheca Furliana, sive catalogus librorum* (Rotterdam, 1714), 89. See also Coffey, *Persecution and Toleration*, 213-14. As for Furly and Locke's residence at Furly's house in Rotterdam, see Woolhouse, *Locke*, 239, 249, 264-65; Maurice Cranston, *John Locke: A Biography* (New York: Oxford University Press, 1985), 280-84, 310-11; H. R. Fox Bourne, *The Life of John Locke*, vol. 2 (London, 1876), 53-86 passim; Ashcraft, *Revolutionary Politics*, 165n145, 530-32, 536-37. While residing in Rotterdam, Locke occasionally visited other places. For example, he was in Amsterdam from mid-December 1687 to early March 1688, arranging for a publication of an epitome of his *Essay Concerning Human Understanding*. Woolhouse, *Locke*, 252, 255.

[25] For a history of the Masham family and Otes (including the fate of the Masham library) during and after Locke's residency, see Laslett, "John Locke and His Books," 5-10, 57-61, and his article "Masham of Otes: The Rise and Fall of an English Family," *History Today* 41, no. 9 (September 1991): 42-48 (originally published in 1953).

[26] Mark Goldie, e-mail message to author, June 12, 2013 ("I know of no evidence Locke knew of or discussed Williams" (quoted with permission)).

[27] Henry Vane, *The Retired Mans Meditations, or, The Mysterie and Power of Godliness* . . . (London, 1655), "To the Reader" (unpaged front matter: discussion of "conjunction with worldly Government"), chap. 24; Vane, *A Healing Question Propounded and Resolved, Upon occasion of the late publique and seasonable Call to Humiliation* . . . (London, 1656), 5-8. See also the discussion of Vane's *Zeal Examined* in Chapter 7 and other discussions of Vane

in Chapters 3, 4, and 6, *supra*. Compare the similar positions advocated by Roger Williams as elaborated throughout the present book, including his defense of Vane's *Zeal Examined* in *The Examiner defended* (discussed in Chapter 7).

[28] RW to John Winthrop Jr., February 21, 1655/66, in *CRW*, 2:448.

[29] Harrison and Laslett, *Library of John Locke*, 256 (Vane's *Retired Mans Meditations* is serial number 3047, and Vane's *Healing Question Propounded* is serial number 3048); cf. Laslett, "John Locke and His Books," 14-15, 269, 270 (*The Retired Mans Meditations* was included in Locke's July 1681 list of books he kept at Oxford University; he also maintained another library in London, which may have contained *A Healing Question Propounded*). Original Locke manuscripts in the Bodleian Library at Oxford provide important evidence as to the dates Locke acquired and read many of the books he possessed. J. R. Milton, "Locke at Oxford," in *Locke's Philosophy: Content and Context*, ed. G. A. J. Rogers (Oxford: Clarendon, 1994), 34-46. Unfortunately, this manuscript evidence is unavailable for inspection absent a personal visit to the Bodleian, and, as an American scholar, I have not, to date, had an opportunity for such a visit. One can only hope that the Bodleian will someday make publicly accessible images of these Locke manuscripts available on the Internet or in other electronic or print form. Nor do the secondary sources I have consulted provide any specific information as to when Locke first acquired and read Vane's *Retired Mans Meditations* and *Healing Question Propounded*. The following discussion hypothesizes, on the basis of circumstantial evidence, when Locke might have acquired and read these two works, but such speculation must give way to any actual demonstration of these matters from the manuscript sources, assuming that they provide such specific information. If any scholars have undertaken, or undertake in the future, such research, I would be glad to learn of their findings.

[30] Anthony A. Wood, *Athenae Oxonienses: An Exact History of the Writers and Bishops Who Have Had Their Education in the University of Oxford . . .* , new ed., ed. Philip Bliss, 4 vols. (London, 1817), 3:1068, 1070; James R. Jacob, *Henry Stubbe, Radical Protestantism and the Early Enlightenment* (Cambridge: Cambridge University Press, 1983), 9; H. R. Fox Bourne, *The Life of John Locke*, vol. 1 (New York, 1876), 37.

[31] It is unknown whether Stubbe visited any of Vane's residences during Roger Williams's second return visit to England (1652-54). Stubbe was a student at Oxford from 1649 to 1653, when his Oxford residence was interrupted by a two-year period of military service in Scotland. Anthony A. Wood, *Athenae Oxonienses*, 3:1068-69; Jacob, *Stubbe*, 9-10. He may or may not have met Roger Williams sometime in 1652 or 1653 when both of them were in England. It is, however, known that Stubbe earlier visited Vane's house on at least several occasions after Stubbe became a student at Westminster School at age ten. Anthony A. Wood, *Athenae Oxonienses*, 3:1068. It is thus possible that Stubbe might have met Roger Williams at Vane's house during Williams's first return visit (1643-44) to England, albeit no historical evidence exists of such an encounter. At that time, Stubbe would have been only eleven or twelve years old. He was always, however, a precocious student, ibid., and might have acquired some appreciation of Williams's views even at that early age.

[32] Roger Williams to John Winthrop Jr., April 20, 1652, in *CRW*, 1:355; *CRW*, 1:356n1; RW to Gregory Dexter, October 7, 1652, in *CRW*, 1:366; RW to the Towns of Providence and Warwick, April 1, 1653, in *RWC*, 1:385-86.

[33] Henry Stubbe, *Malice Rebuked, or a Character of Mr. Richard Baxter's Abilities, and a Vindication of the Honourable Sr. Henry Vane from his Aspersions in his "Key for Catholics"* (London, 1659), 48-49.

[34] The 42-page handwritten catalogue of the library of Henry Stubbe does not include any work by Roger Williams. British

Library, Sloane MS 35 (a CD containing this manuscript can be purchased from the British Library). This catalogue was created about 1676, the year of Stubbe's death. British Library Archives and Manuscripts Search, accessed December 31, 2013, http://searcharchives.bl.uk/primo_library/libweb/action/display.do?tabs=detailsTab&ct=display&fn=search&doc=IAMS040-002112372&indx=1&recIds=IAMS040-002112372&recIdxs=0&elementId=0&renderMode=poppedOut&displayMode=full&frbrVersion=&dscnt=1&frbg=&scp.scps=scope%3A%28BL%29&tab=local&dstmp=1388542662258&srt=rank&mode=Basic&dum=true&vl(freeText0)=Stubbe&vid=IAMS_VU2. As the present book demonstrates, Roger Williams had become, long before the 1660 restoration of the Stuart monarchy, a famous advocate of separation of church and state and had gained, even in England, some adherents to that principle. After 1660, however, separation of church and state was considered "the most extreme of positions" in England, and even Williams's friend John Milton, in a 1673 publication, found it necessary to conceal his support for church-state separation. Worden, *Literature and Politics in Cromwellian England*, Kindle loc. 5644-50. Henry Vane, who was Williams's disciple and Stubbe's patron, was executed by the English government in 1662 for his activities during the Puritan revolutionary period. Accordingly, after 1660, Stubbe might have purged his library of especially controversial books, including the works of Roger Williams. The catalogue of Stubbe's library, prepared about the time of his death in 1676, obviously does not contain all the works that Stubbe ever owned or read. For example, only one of the many books that Stubbe himself had written and published is listed (*Good Old Cause*, at Sloane 35-036, numbered page 34), and the catalogue is completely devoid of any works by his longtime patron and mentor Henry Vane.

[35] Henry Stubbe, *An Essay in Defence of the Good Old Cause or A Discourse concerning the Rise and Extent of the power of the Civil Magistrate in reference to Spiritual Affairs* . . . (London, 1659). The Thomason Date is "Sept:" without an indication of a particular day.

[36] E.g., Jacob, *Henry Stubbe*, 31. EEBO states that *Malice Rebuked* was "[a]pparently sometimes issued with . . . 'An essay in defence of The Good old Cause.'" EEBO Record for *Malice Rebuked*, accessed January 12, 2014, http://eebo.chadwyck.com/search/full_rec?SOURCE=config.cfg&action=byid&ID=99868495&SUBSET=. The title page of *Malice Rebuked* states that it was published in 1659 but does not identify a publisher, thus perhaps indicating that it was originally bound with *Good Old Cause*, which also did not identify a publisher. Additionally, *Malice Rebuked* does not itself contain a Thomason Date, which would make sense if it constituted the third section of *Good Old Cause* when that work was first published.

[37] The Thomason Date on the *Vindication of Vane* is June 7, and printed material on the title page states that it was "Printed for Livewel Chapman, at the Crown in Popes-Head-Alley. 1659." This pamphlet was published anonymously, whereas *Good Old Cause* and *Malice Rebuked* both identified Henry Stubbe as the author, thereby further supporting the hypothesis that it was *Malice Rebuked* rather than *Vindication of Vane* that was bound with *Good Old Cause*.

[38] Stubbe, *Good Old Cause*, 20-140; Stubbe, *Malice Rebuked*, 8-10, 57-60; [Stubbe], *Vindication of Vane,* 12-20. In these writings Stubbe used many arguments of Williams and Vane discussed elsewhere in the present book. Stubbe was quite learned in historical and classical knowledge, and his discussions often involved detailed, tedious historical arguments in support of his positions supporting universal toleration. Although he thereby added to

Roger Williams's arguments, he nevertheless incorporated many of Williams's arguments into his discussions. To take just one of many examples, Stubbe agreed with Williams that toleration should be extended to those Roman Catholics who affirmed that they would not follow the directions of any foreign power, including the pope, to subvert the English government. *Good Old Cause*, 132-40. Stubbe did not, however, appear to go quite as far as Williams on the question of separation of church and state. In the *Vindication of Vane*, for example, Stubbe stated, vaguely and ambiguously, that "I dare not positively affirm that the Civil Magistrate is not to intermeddle at all in matters of religion," citing popular clichés, but Stubbe did not here give any specifics of any such appropriate intermeddling, and he went on to stress universal toleration and separation of church and state as though he had never made any such a rhetorical concession. *Vindication of Vane*, 14-20. We shall discuss below the one specific and limited proposal he made for governmental intervention in religion for the sole purpose of safeguarding toleration in the context of the extreme national crisis of late 1659.

[39] John Locke to Henry Stubbe, mid-September? 1659, in *The Correspondence of John Locke*, ed. E .S. de Beer, vol. 1 (Oxford: Clarendon, 1976), 109-12 (Letter 75) (hereafter cited as *Correspondence of Locke*); see also *Locke: Selected Correspondence*, 12-13 (excerpts from Letter 75). Locke was very probably at his father's house in Pensford (Somerset) when he wrote this letter to Stubbe. Locke, *Selected Correspondence*, 12; Fox Bourne, *Life of Locke*, 11-13; De Beer, introduction to *Correspondence of Locke*, 1:lxi-lxii.

[40] Harrison and Laslett, *Library of John Locke*, 45 (significance of superscript after serial number), 241 (Harrison and Laslett assigned Stubbe's *Good Old Cause* serial number 2800[a], the superscript indicating that the book was not found in Locke's final library but that the editors were aware from another source that Locke had possessed it at an earlier time).

[41] Leo Strauss, *Natural Right and History* (Chicago: University of Chicago Press, 1953), 165. I am not sure I agree with all of Strauss's interpretation of Locke, though it is an interesting approach. Cf. ibid., 165-66, 205-21. Peter Laslett similarly referred to "the cautious and devious Locke" in an editorial note. Locke, *Two Treatises of Government*, 410n (§ 218n). See also Melzer, *Philosophy Between the Lines*, 141-42 (quoting Locke on the esotericism of Plato and Aristotle regarding religion), 319-20 (quoting Locke on Sir Robert Filmer's esoteric technique).

[42] *Correspondence of Locke*, 1:109-12. There is a school of thought that Locke's September 1659 letter indicated his opposition to toleration (anticipating his 1660-62 essays, discussed below) because Locke's letter expressed doubt (later reflected in those essays) that "men of different professions may quietly unite . . . under the same government . . . though they take [a] different way towards heaven . . . ." *Correspondence of Locke*, 110 (quotation from Letter 75); cf. Woolhouse, *Locke*, 32; Cranston, *Locke*, 45. This view takes some language of Locke's letter totally out of context. In context, it is quite clear that Locke, at this precise time of his life, expressed support for Stubbe's arguments in favor of toleration with the sole exception, discussed below, that Locke did not believe it was safe to tolerate Roman Catholics. Compare Locke's December 12, 1665 letter to Robert Boyle, discussed *infra*. *Correspondence of Locke*, 1:228 (Letter 175)

[43] *Correspondence of Locke*, 1:111.

[44] Locke's exclusion of Roman Catholics from toleration was expressed, albeit in somewhat veiled form, even in what is regarded as his greatest treatise on toleration, published in 1689. Locke, *Letter Concerning Toleration*, 50-52.

[45] [RW], *Queries*, 8 (*CWRW*, 2:27-28); RW, "To the Most Honorable the Parliament of the Common-wealth of England," in *BTYMB*, unpaged (*CWRW*, 4:10-11); RW, "To

the Merciful and Compassionate Reader," in *ibid.*, unpaged (*CWRW*, 4:47).

[46] The last page of the work was dated by Stubbe October 13, 1659, at Christ Church, Oxford. *A Letter to an Officer of the Army concerning a Select Senate mentioned by them in their Proposals to the late Parliament* . . . (London, 1659), 76. The Thomason Date is October 26, 1659.

[47] Stubbe, *A Letter to an Officer*, 2; cf. RW, *BT*, unpaged (*CWRW*, 3:3); RW, "To the Reader," in *The Examiner defended*, unpaged (*CWRW*, 7:199) ("*those* blessed Petitioners *under the* Altar"); ibid., 16 (*CWRW*, 7:215) ("the *mystery* of the fifth Seal, the Souls under the *Altar*").

[48] RW, *BT*, unpaged (*CWRW*, 3:3).

[49] NKJV.

[50] Stubbe, *Letter to an Officer*, 9 (reference to "*Parchment Law*"); the entire pamphlet is an elaboration of Stubbe's argument for institutional protections for liberty of conscience.

[51] Although Madison was later the champion of the Bill of Rights (what became the first ten amendments to the Constitution) in Congress, he initially expressed skepticism about the effectiveness of such an itemization of rights: "[E]xperience proves the inefficacy of a bill of rights on those occasions when its controul is most needed. Repeated violations of these parchment barriers have been committed by overbearing majorities in every State. In Virginia, I have seen the bill of rights violated in every instance where it has been opposed to a popular current." JM to TJ, October 17, 1788, in *Jefferson-Madison Correspondence*, 1:564. Madison famously articulated in *The Federalist* No. 10 (November 27, 1787) some of the ways the proposed new Constitution would provide institutional protections against such violations of individual rights. Later, after the ratification of the Bill of Rights, the Supreme Court eventually became the institutional protector of individual rights under the distinctively American concept of judicial review.

[52] Catalogue of Benjamin Franklin Library, *LibraryThing*, accessed September 27, 2013, http://www.librarything.com/catalog/BenjaminFranklin&deepsearch=Henry+Stubbs (use "suggested style"). *LibraryThing* incorrectly identifies Henry Stubbe as "Henry Stubbs."

[53] Stubbe, *Letter to an Officer*, 61-62.

[54] Ibid., 61, 58.

[55] Ibid., 53-54.

[56] Ibid., 54.

[57] Lockyer, *Tudor and Stuart Britain*, 376; cf. Stubbe, *Letter to an Officer*, 53.

[58] Stubbe, *Letter to an Officer*, 2, 76.

[59] [Henry Stubbe and perhaps Henry Vane], *A Light Shining out of Darknes: Or Occasional Queries Submitted to the Judgment of such as would enquire into the true state of things in our Times* . . . , [2nd ed.] (London, 1659), Thomason Date: November 8 [1659] (hereafter cited as "*Light Shining out of Darknes*, 2nd ed."); [Henry Stubbe and/or Henry Vane], *A Light Shining out of Darknes: Or Occasional Queries Submitted to the Judgment of such as would enquire into the true State of things in our Times*, [1st ed.] (London, 1659), Thomason Date: June 17 [1659] (hereafter cited as "*Light Shining out of Darknes*, 1st ed.").

[60] Harrison and Laslett, *Library of John Locke*, 241 (serial number 2798). We know that the edition in Locke's library was the second edition as a result of Locke's recording of the last page number of the book in his unique bibliographic notation system: 186. Ibid., 33, 48, 241; cf. *Light Shining out of Darknes*, 2d ed., 186. In contrast, the last page number of the first edition was 37. *Light Shining out of Darknes*, 1st ed., 37.

[61] Catalogue of Benjamin Franklin Library, *LibraryThing* website, accessed September 27, 2013, http://www.librarything.com/catalog/BenjaminFranklin&deepsearch=Henry+Stubbs (use "suggested style"). It is unclear from the *LibraryThing* website whether

Franklin possessed the first or second editions, since both were published in 1659, which is the year of publication identified by the website. However, it seems unlikely that the first edition would have survived in bookstores a century or more after the publication of the second edition. Franklin may have purchased this and many other English books during the long period of time that he served as an agent in London for the Colony of Pennsylvania in the years before the American Revolutionary War. As previously observed, *LibraryThing* incorrectly identifies Henry Stubbe as "Henry Stubbs."

[62] See the EEBO Records regarding the first and second editions, both accessed on January 10, 2013, http://gateway.proquest.com/openurl?ctx_ver=Z39.88-2003&res_id=xri:eebo&rft_id=xri:eebo:citation:99873094 and http://gateway.proquest.com/openurl?ctx_ver=Z39.88-2003&res_id=xri:eebo&rft_id=xri:eebo:citation:99872384, respectively. See also the prefatory address to the "Reader" in *Light Shining out of Darknes*, 2d ed., which lends support to the hypothesis that Vane and Stubbe both worked on the first edition but that the second edition was prepared solely (or at least mainly) by Stubbe. Handwriting on the title page of the first edition in the Thomason Collection attributes that work to Vane, but Stubbe apparently also had a substantial hand in it, especially if it was Stubbe who authored the explanatory address to the "Reader" in the second edition.

[63] Worden, *Literature and Politics in Cromwellian England*, Kindle loc. 666-72.

[64] *Light Shining out of Darknes*, 1st ed., 1-14.

[65] See also the discussions in Chapters 2-8, *supra*, of theocratic and Erastian doctrines and practices in England and America.

[66] *Light Shining out of Darknes*, 1st ed., 24-25.

[67] Ibid., 36-37.

[68] *Light Shining out of Darknes*, 2nd ed., 16-19, 28, 45-49.

[69] James R. Jacob argues that the pre-1660 Stubbe "was a Hobbesist insofar as he was a complete Erastian." Jacob, *Stubbe*, 24; see also ibid., chapters 1 and 2 passim. "Erastianism" is "the doctrine that the state is supreme over the church in ecclesiastical affairs." Merriam-Webster Unabridged OnLine, s.v. "Erastianism," accessed October 29, 2013, http://unabridged.merriam-webster.com/unabridged/Erastianism. Jacob maintains that "Hobbes was an extreme Erastian" and speculates that Stubbe "read *Leviathan* primarily for its extreme Erastianism." *Stubbe*, 12, 21. Similarly, Jeffrey R. Collins states that Stubbe, during the 1650s, "successfully enlisted a philosopher of towering reputation [Hobbes] in the broader campaign to vindicate the compatibility of Independency and Erastianism." Collins, *The Allegiance of Thomas Hobbes* (Oxford: Oxford University Press, 2005), 224; see also ibid., 219-24; cf. ibid., 183 (observing that Stubbe's 1658-59 pamphlets "rejected coercive authority in religion and embraced a religious separatism not entirely consonant with Hobbesian principles"). Although these works of Jacob and Collins are excellent in many respects, I disagree with their conclusions of Stubbe's alleged Erastianism during the 1650s, as I elaborate below.

[70] Thomas Hobbes, *Leviathan or the Matter, Forme, and Power of a Common-Wealth Ecclesiastical and Civil* (London, 1651), chap. 31 and pts. 3-4 passim.

[71] *Leviathan*, 248 (chap. 39).

[72] Hobbes, *Stigmai Ageometrias, Agroichias, Antipoliteas, Amatheias, or Markes of the Absurd Geometry, Rural Language, Scottish Church-Politicks, and Barbarismmes of John Wallis, Professor of Geometry and Doctor of Divinity* (London, 1657), 17-19.

[73] *The Correspondence of Thomas Hobbes*, vol. 1, ed. Noel Malcolm (Oxford: Oxford University Press, 1994), Letters 80, 87, 91, 96, 97, 98, 101, 102, 104, 107, 111, 113, 116, 119, 122, 123, 125, 138 (hereafter cited as *Correspondence of Hobbes*). With respect to a preceding letter from Hobbes (which has not survived and the contents of

which are unknown), Stubbe expressed in his November 9, 1656 letter to Hobbes "a great correspondence betwixt my thoughts and yours" such that a comparison of Stubbe's notes with Hobbes's remarks would give rise to a conclusion that Stubbe's notes would "be but the transcript of yours." Ibid., 338 (Letter 98; some orthography modernized). Stubbe did not explain what he meant by this general comment, and, since we do not have Hobbes's letter, we do not have any way of ascertaining its concrete meaning. Nevertheless, Jacob argues that if Hobbes's "comments, supplied to Stubbe in November 1656, which, alas, are lost, square with his own published attack on Wallis in *Markes* in 1657, and there is no reason to doubt that they do not, then here is the strongest evidence we have that Hobbes and Stubbe had arrived at a common position as regards the religious question, that both were Hobbesist Independents." Jacob, *Stubbe*, 19. Jacob wisely qualifies his hypothesis by adding: "Of course we cannot be certain of this." Ibid. But Jacob goes on to say that "Stubbe was in complete agreement with Hobbes, as the correspondence makes clear," with regard to the position taken by Hobbes in *Markes*. Ibid., 20. However, the correspondence definitely does not make clear any agreement by Stubbe with such doctrines in Hobbes's *Markes* (repeating similar arguments in *Leviathan*) that authority in religious and ecclesiastical matters is solely from "the Soveraign power civill," that a person can be a religious minister only "by the Supream Authority of the Common-wealth," that "*Ministers of the Gospel are those to whom the preaching of the Gospel is enjoyned by the Soveraign power in the name of Christ*," that ministers "can have no other power then that which is limited in [the civil magistrate's] Orders, nor that neither longer than he thinks fit," and that the civil magistrate could give Hobbes command "to teach the Doctrine of my *Leviathan* in the Pulpit" whereby Hobbes would then be a duly qualified "Minister" as well as any religious clergy. *Markes*, 17-18. Jacob's theory is that Stubbe brought Hobbes

together with the religious Independents at Oxford, most notably the theologian John Owen, then Dean of Christ Church, with whom Stubbe was collaborating in opposing a Presbyterian religious establishment. But Stubbe reported to Hobbes that Owen, when he read *Leviathan*, objected to Hobbes's deification of the magistrate. Stubbe to Hobbes, April 11, 1657, in *Correspondence of Hobbes*, 1:459 (Letter 123). This is the same John Owen who was the principal author of *The Humble Proposals*, which Roger Williams opposed (see discussion in Chapter 7, *supra*). There is no evidence that Stubbe disagreed with Owen with regard to Owen's critique of Hobbes's pure Erastianism. In fact, Stubbe's writings in 1659 demonstrate Stubbe's unwavering commitment to liberty of conscience. Even Jacob is eventually forced to admit, by the evidence of Stubbe's pre-1660 writings, that Stubbe departed from Hobbes on these issues, while at the same time incomprehensibly asserting that Stubbe "was a Hobbesist insofar as he was a complete Erastian." Jacob, *Stubbe*, 24. There is no specific historical evidence, other than the above-discussed fleeting remark in *A Letter to an Officer*, establishing that the pre-1660 Stubbe was an Erastian, let alone a "complete Erastian" of the Hobbesian ilk. The question of Stubbe's post-Restoration views and actions is much more complicated, and Jacob shows how Stubbe managed to maintain a somewhat (though not entirely) "politically correct" posture toward the restored monarchy and the reestablished Church of England while surreptitiously undermining its foundations. Ibid., chaps. 3-7.

[74] Malcolm, "Textual Introduction," in *Correspondence of Hobbes*, 1:li-lii.

[75] As discussed earlier, the sole exception that I have found is the regulation of the ministry by Stubbe's proposed Select Senate in *A Letter to an Officer*. However, this temporary practical expedient was a far cry from the arguments of Hobbes's *Leviathan*, and, as explained above, this exception (not mentioned by either Jacob

or Collins) proves the rule of Stubbe's unshakable commitment to liberty of conscience before 1660.

[76] See the eighteen letters from Stubbe to Hobbes cited above. As noted earlier, Stubbe also worked with John Owen, then dean of Christ Church and vice-chancellor of Oxford, to oppose the imposition of strict and intolerant Presbyterian theocracy on England—an objective shared by Hobbes. Stubbe to Hobbes, December 8, 1656, in *Correspondence of Hobbes*, 1:384 (Letter 104) (Owen "hath undertaken our Protection ag[ains] t the Presbyterians: & wee haue promised to defend liberty of conscience"); Stubbe to Hobbes, October 7, 1656, in ibid., 311-12 (Letter 91) ("I haue receiued orders [from Owen] to study churchgouernemt, & a toleration, & so to oppose Presbytery"). As explained in Chapter 7, the views of Owen on liberty of conscience and separation of church and state were somewhere in between those of Roger Williams and John Cotton. Owen worked with Oliver Cromwell to establish a church settlement that contained some measure of governmental control and financial support of religion in the context of limited toleration. Some scholars consider Owen's views to be quasi-Erastian. Rahe, *Against Throne and Altar*, Kindle ed., loc. 7296-97 (referring to "the species of Erastianism promoted by independents, such as John Owen"); Collins, "Church Settlement of Oliver Cromwell," 22 (Owen and other of Cromwell's closest clerical advisors "manifested a quasi-Erastian attitude towards the state's religious power"). However, Owen's views may be more accurately characterized as quasi-theocratic, for he taught that government should serve religion, not (as for Hobbes and other Erastians) that religion should serve government. John Owen, "A Sermon Preached to the Parliament, Octob. 13th, 1652 . . . Concerning . . . The Power of the Civil Magistrate about the Things of the Worship of God," in *Seventeen Sermons Preach'd by the Reverend Dr. John Owen* . . , 2 vols. (London , 1720), 2:118. In fact, Owen expressly opposed Erastianism.

Owen, *Of Toleration; and the Duty of the Magistrate about Religion*, February 28 (?), 1649, in *The Works of John Owen, D.D.*, vol. 8, ed. Rev. William H. Goold, D.D. (Edinburgh, 1862), 200-1. As observed above, Owen opposed Hobbes's deification of the civil magistrate. Stubbe to Hobbes, April 11, 1657, in *Correspondence of Hobbes*, 1:459 (Letter 123). Owen also ordered Stubbe not to "meddle" with translating Hobbes's *Leviathan* into Latin. Ibid. Whatever the views of Cromwell himself, it is clear that Owen was not an Erastian within the accepted definition of that term. Although he believed that the government should assist religion and although he did not favor complete toleration of all religious views, he did not adhere to the Erastian view that government should control religion for secular purposes. The difference between Owen and the theocratic Massachusetts Bay Puritans was one of degree, not of kind. The difference between Owen and the Erastian Hobbes was one of kind.

[77] Rowe, *Henry Vane*, 232-42.

[78] Jacob, *Stubbe*, chaps. 3-7.

[79] John Locke, First and Second Tracts on Government (collectively known as *Two Tracts on Government*), in *Political Essays*, by John Locke, ed. Mark Goldie (Cambridge: Cambridge University Press, 1997), 3-78.

[80] Ibid., 7.

[81] Ibid.

[82] Ibid., 6.

[83] Ibid., 7.

[84] Ibid.

[85] [Edward Bagshaw], *The Great Question Concerning Things Indifferent in Religious Worship, Briefly Stated, and tendred to the Consideration of all Sober and Impartial men*, 3d ed., (London, 1660). Although this was not in Locke's final library, Harrison and Laslett listed it as serial number 1312[b] in Locke's literary catalogue as a result of its being referenced by Locke (undoubtedly in

the context of the *Two Tracts on Government*). *Library of John Locke*, 146.

[86] See Mark Goldie, introduction to *Political Essays*, by Locke, xvi (Locke was Bagshaw's Christ Church colleague).

[87] Ibid., 3 (editorial note).

[88] Locke, "Preface to the Reader" of the First Tract, in *Political Essays*, 8-9 (suggesting, albeit ambiguously, that he did not know the identity of the author of *The Great Question*). Locke had, in fact, become aware of Bagshaw's authorship no later than March 1661. Gabriel Towerson to Locke, March 12, 1661, in *Correspondence of Locke*, 167 (Letter 115).

[89] *The Second Part of the Great Question Concerning Things Indifferent in Religious Worship, Briefly Stated, and tendred to the Consideration of all Conscientious and Sober men* (London, 1661).

[90] Locke, *Political Essays*, 54 (editorial note).

[91] Ibid., 3, 54 (editorial notes).

[92] As observed below, Bagshaw's essay later contradicted this position, which appeared to verge on Erastianism. Bagshaw actually wrote a letter to Hobbes in 1658 that addressed the question of free will as discussed in Hobbes's *Of Libertie and Neccessitie* but did not mention *Leviathan* or any matter related to Erastianism. Bagshaw to Hobbes, March 1, 1658, in *Correspondence of Hobbes*, 1:497-99 (Letter 134).

[93] Bagshaw, *Great Question*, 15-16.

[94] Bagshaw, *Great Question*, 15.

[95] Ibid., 15-16 (bold emphasis added). Bagshaw expanded on these arguments in his *Second Part*, published in 1661, in which he emphasized the magistrate's lack of jurisdiction over spiritual concerns—one of the principal arguments of Roger Williams. *Second Part*, 2-14, 16-17.

[96] John Locke, *An Essay Concerning Toleration*, in Locke, *An Essay Concerning Toleration and Other Writings on Law and Politics, 1667-1683*, ed. J. R. Milton and Philip Milton (Oxford: Clarendon, 2009), 267-315.

[97] Ibid., 278-79; cf. ibid., 269-71, 276-84, 287-90, 308-10.

[98] As we shall see, the expulsion of religion from the previously accepted list of governmental objectives was also essential to Locke's *Letter Concerning Toleration*, published about the same time as his *Two Treatises of Government* in 1689. Mark Goldie observes that the latter's "relentless insistence on the state's purely secular purposes is so eloquent in its silence that Locke's strategy is surely deliberate. The *Treatises* are not about religion because the state is not about religion." Goldie, introduction to *Letter Concerning Toleration*, xiii. This was already evident in the 1667 *Essay Concerning Toleration*.

[99] John Locke, *Questions concerning the Law of Nature*, with an introduction, text, and translation by Robert Horwitz, Jenny Strauss Clay, and Diskin Clay (Ithaca: Cornell University Press, 1990). As Ann Talbot observes, Locke's "ideas were already in flux when he wrote the *Essays on the Law of Nature* [also known as the *Questions concerning the Law of Nature*], and by 1667, in his *Essay on Toleration*, he had become an advocate of religious toleration, which he had regarded as an invitation to civil war in his early writings." Talbot, *"The Great Ocean of Knowledge": The Influence of Travel Literature on the Work of John Locke* (Leiden, Netherlands: Brill, 2010), 109.

[100] Locke, *Essay Concerning Toleration*, 292, 293, 298, 302, 308.

[101] Ibid., 269-76, 278, 281-84, 287-89, 308.

[102] For discussions of the contents of Williams's writings published in England and possibly available to Locke at or before this time, see Chapters 4, 5, and 7, *supra*.

[103] Locke, *Essay Concerning Toleration*, 274-80, 284-85, 288-93, 308 (quotation). In a deleted passage of the manuscript, Locke took a more extreme position against dissenting religious groups than the position he took in his ultimate manuscript. This deleted

material appears to have been a throwback to Locke's earlier view, which he now rejected and replaced with text supporting toleration. Ibid., 285-87; 309-10; cf. 285n4-287.8. It is obvious from such alternative drafts that Locke's views on freedom of conscience were still a work in progress. Again, he did not publish the *Essay Concerning Toleration*, either in his own name or anonymously.

[104] E.g., *The Examiner defended*, 1-2 (*CWRW*, 7:203-4) (ship of state metaphor similar to Williams's letter discussed in Chapter 8, *supra*); *BT*, 60, 62, 79, 230 (*CWRW*, 3:129, 132, 159, 398); *BTYMB*, 29 (*CWRW*, 4:90-91).

[105] Locke, *Essay Concerning Toleration*, 278, 289-301, 309-10. Cf., e.g., [RW], *Queries*, 7 (*CWRW*, 2:266); [RW], *BT*, 24-26 (*CWRW*, 3:72-74)

[106] Locke, *Essay Concerning Toleration*, 297.

[107] See especially the discussion of Williams's *Christenings make not Christians* in Chapter 5, *supra*.

[108] See Woolhouse, *Locke*, 81-82 (discussing, *inter alia*, the 1662 Act of Uniformity, the 1664 Conventicle Act, and the 1665 Five Mile Act).

[109] John C. Higgins-Biddle, introduction to *The Reasonableness of Christianity as Delivered in the Scriptures*, ed. John C. Higgins-Biddle, by John Locke (Oxford: Clarendon, 1999), lxxxiv; Goldie, introduction to *A Letter Concerning Toleration*, by John Locke, xx-xi; Fox Bourne, *Life of Locke*, 136-44, 172.

[110] Fox Bourne, *Life of Locke*, 103-21.

[111] Ibid., 99-101.

[112] *Correspondence of Locke*, Letters 175, 177, 180, 182. One of these letters echoes language in Locke's September? 1559 letter to Henry Stubbe, discussed above. In his December 12, 1665 letter to Robert Boyle, Locke observed, with approval, that the people in Cleves (a town on the Lower Rhine River controlled by the Elector of Brandenburg) "quietly permit one another to choose their way to heaven; for I cannot observe any

quarrels or animosities amongst them upon the account of religion. This good correspondence is owing partly to the power of the magistrate, and partly to the prudence and good nature of the people, who (as I find by enquiry) entertain different opinions, without any secret hatred or rancour." *Correspondence of Locke*, 1:228 (Letter 175). See also Fox Bourne, *Life of Locke*, 103-16.

[113] Ashcraft, *Revolutionary Politics*, 92-94. The notes are dated January 20, 1666, but Locke normally used the Old Style (the new year not starting until March), and January 20 1666/67 was a Sunday. Ibid., 92-93n76. If, however, the date was, in fact, January 20, 1665/66, Locke was in Cleves when the notes were written. Ibid. Locke described in his contemporaneous letters his church visits while in Cleves, but there is no mention in the extant correspondence of any such sermon.

[114] Bejan, "'When the Word of the Lord Runs Freely,'" in *The Lively Experiment*, ed. Beneke and Grenda, chap. 4.

[115] James Calvin Davis, introduction to *On Religious Liberty*, 40.

[116] Locke, *Essay Concerning Toleration and Other Writings*, ed. J. R. Milton and Philip Milton, 327-334.

[117] Ibid., 312. For the date of this notation, see ibid., 310 (editorial note).

[118] Ibid., 312-13.

[119] Ibid., 313-15.

[120] Ibid., 388-90.

[121] Ibid., 391-92.

[122] Goldie, introduction to *Letter Concerning Toleration*, xi.

[123] Ibid., xxix-xxxi.

[124] Locke, *Letter Concerning Toleration*, ed. Goldie, 12-15.

[125] Ibid., 12-13.

[126] Ibid., 15-16.

[127] [RW], *BT*, 25-26 (*CWRW*, 3:73-74).

[128] Locke, *Letter Concerning Toleration*, ed. Goldie, 30-31.

[129] [RW], *BT*, 64 (*CWRW*, 3:136-37); [RW], *The Examiner defended*, 2 (*CWRW*, 7:204).

[130] Locke, *Letter Concerning Toleration*, ed. Goldie, 37-38; cf. ibid., 48-49. The second sentence of the quotation was in Locke's Latin version of the *Letter* but not in Popple's translation. Ibid., 38n91.

[131] Ibid., 36-37, 41-44.

[132] Ibid., 50-52.

[133] Ibid., 52-53.

[134] TJ, "Notes on Religion," in *The Works of Thomas Jefferson*, ed. Ford, , vol. 2:267 (footnote omitted).

Note on Primary and Secondary Sources

[1] For a brief overview of alternative schools of academic thought regarding Roger Williams, see Foutz, "On the Origins of Roger Williams' Notion of Religious Liberty," *Quodlibet Online Journal*, http://www.quodlibet.net/williams.shtml. Foutz's introductory and somewhat tentative essay is helpful for those who wish to commence an exploration of scholarly debate regarding Williams. Foutz's discussion of the renowned twentieth-century historian Perry Miller is particularly interesting. As reflected by the frequent citations to his work in this book, Miller provided an excellent, scholarly discussion of New England theocracy; however, his treatment of Roger Williams was marred by academic condescension and an unduly narrow, reductive interpretation of Williams's writings and historical actions. He interpreted Williams's approach as being dictated solely by his typology. Other scholars have disagreed. E.g., Gilpin, *Millenarian Piety*, 108-16, 191n36 ("Miller's hypothesis that the use of typology was distinctive to Williams, and is therefore a key to his thought, is completely erroneous," citing additional scholarly authorities); Hall, *Separating Church and State*, 74-77 (observing that a form of typology was common to all Puritans). John Milton himself used typology,

though in a somewhat different context, even before Williams published his work and very probably before Milton and Williams ever communicated with each other. John Milton, *The Reason of Church-government Urg'd against Prelaty* (London, 1641/42), 11, 15-16 (reprinted in part in *John Milton Prose: Major Writings on Liberty, Politics, Religion, and Education*, ed. David Loewenstein (Malden, MA: Wiley-Blackwell, 2013), 67, 70-74).

[2] Brooks Adams, *The Emancipation of Massachusetts*, 3, 305, 307-8, 310.

[3] Ernst, *Roger Williams*, ix-x. Although Ernst's book contained some factual inaccuracies (unsourced "facts" and at least one misquotation) and interpretative errors (notably, his focus on Williams's alleged "social experiment in democracy" rather than on Williams's doctrines of separation of church and state and liberty of conscience), Ernst's account of the religious bias of many previous New England historians is correct. As discussed in the following endnote, Ernst's doctoral dissertation, published three years earlier in 1929, contained much unjustified speculation about Williams's thought.

[4] See, for example, James Ernst's doctoral dissertation, *The Political Thought of Roger Williams*, published in 1929, which cherry-picked quotations from Roger Williams (often out of context) in support of an argument that Williams's "theory of religious liberty came . . . out of his unique theory of the individual and the state" rather than vice versa. Ibid., 25. No reading of Williams's writings in their own context supports such a thesis.

More recently, Martha Nussbaum, in her 2008 book *Liberty of Conscience*, presents Roger Williams as a modern-day liberal concerned about "mutual respect with people whom one believes to be in error." Ibid., 36. But although Williams taught that government should not discriminate against any religious view and although he himself sometimes exhibited a certain degree of personal respect for individuals of other religious persuasions

(including Native Americans), he could also manifest typical seventeenth-century vituperation toward those Christians whose theology he regarded as fundamentally wrong, as is evidenced by his last major published work, *George Fox Digg'd out of his Burrowes* (discussed in Chapter 8 of the present book). Nussbaum also states: "Williams . . . nowhere alludes to [his religious] beliefs in arguing for liberty of conscience—nor should he, since it is his considered position that political principles should not be based on sectarian religious views of any sort. It seems to me to be an advantage in a reconstruction of Williams's thought if it can show him to be consistent with his own principles, and this is easy to do, since Williams does not in fact use his own religious views as premises in his philosophical arguments." *Liberty of Conscience*, 43. This ignores Williams's long, often tedious arguments from scripture in, for example, *The Bloudy Tenent* and *The Bloody Tenent Yet More Bloody* in support of liberty of conscience and separation of church and state. As explained in the present book, Williams also had strong secular arguments for freedom of conscience and church-state separation. Perhaps he used religious arguments as a rhetorical device to persuade his Puritan contemporaries, though this would be a highly speculative and questionable conclusion given his deep religiosity. But to disregard totally his religious arguments is to make him a twenty-first-century man, which he was not. Cf. Bejan, "'When the Word of the Lord Runs Freely,'" in *The Lively Experiment*, ed. Beneke and Grenda, chap. 4; Bejan, *Mere Civility: Tolerating Disagreement in Early Modern England and America*, forthcoming.

[5] Edmund S. Morgan brought what may be considered a kind of modified historicism to the study of Roger Williams. In the last paragraph of his *Roger Williams: The Church and the State*, Morgan concluded:

> It does not follow that we should give Williams back to the nineteenth- and twentieth-century liberals who have claimed him for their own. Williams belonged to the seventeenth century, to Puritanism and to Separatism. What he did share with a number of men, in his own century as well as before and since, was a quality that always seems to lift a man above his time: intellectual courage, the willingness to go where the mind leads. . . . He dared to think.

Ibid., 142.

[6] William Shakespeare, *Hamlet*, 1:2:376-77, in *The Norton Facsimile: The First Folio of Shakespeare*, 2nd ed., ed. Charlton Hinman and Peter W. M. Blayney (New York: W. W. Norton, 1996), 763.

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About the Author

Alan E. Johnson, an independent scholar, is the author of publications in the fields of history, constitutional law, political science, and philosophy. He holds an A.B. (Political Science) and A.M. (Humanities) from the University of Chicago and a J.D. from Cleveland-Marshall College of Law, Cleveland State University. He is retired from a long career as an attorney in which he mainly focused on constitutional and public law litigation. He is also the owner and president of Philosophia Publications, and a current list of his publications can be located in his web bio at http://www.philosophiapublications.com. For continuing updates, click "Get Notifications" on the "Like" button of http://www.facebook.com/philosophiapublications. Several of his papers and book reviews are accessible on his Academia.edu webpage (http://independent.academia.edu/AlanJohnson11).

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